

Mr. Reid



FEDERAL REGISTER

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Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

PAYMENTS UNDER CONTRACTS, FORMAL AND INFORMAL

Sections 35.5 to 35.9, inclusive, pertaining to payments under contracts, are hereby amended to read as follows. The regulations in these sections are also contained in Army Regulations No. 35-6040, dated 1 February 1944, the particular paragraphs being shown in brackets at end of sections.

§ 35.5 *To whom payment may be made—*(a) *Other than lowest bidder.* Payment may be made to other than the lowest bidder where the award was made in accordance with §§ 81.201 to 81.294 (Procurement Regulation No. 2) and §§ 81.301 to 81.395 (Procurement Regulation No. 3) of this Title.

(b) *Other than original contractor.* Payment may be made to other than the original contractor when the rights under the contract have been validly assigned or transferred. See §§ 81.390 to 81.395 (Procurement Regulation No. 3). Also see R.S. 3477 (31 U.S.C. 203); R.S. 3737 (41 U.S.C. 15); act 9 October 1940 (54 Stat. 1029; 31 U.S.C. 203; 41 U.S.C. 15) [Par. 2]

§ 35.6 *When payment may be made—*(a) *Advances of public money prohibited.* Section 3648, Revised Statutes (31 U.S.C. 529) prohibits payments in advance of the delivery of supplies or rendition of service. Purchases of coupon books for gasoline and oil are within the prohibition and payment may not be made until the supplies are actually furnished. See 8 Comp. Gen. 454. Certain exceptions to the general prohibition contained in section 3648, Revised Statutes, have been made by later statutes. See sec. 1 (c), act 2 July 1940 (54 Stat. 712); sec. 201, Title II, First War Powers Act, 18 December 1941 (55 Stat. 839; 50 U.S.C. App. 611); sec. 401, Title IV, First War Powers Act, 18 December 1941 (55 Stat. 841; 50 U.S.C. App. 621); and Title I, Executive Order 9001, 27 December 1941.

(b) *Procedure for making advance payments.* The procedure for effecting advance payments to contractors under the statutes and Executive order listed above is set forth in §§ 81.319 to 81.321 of this Title (Procurement Regulation No. 3). [Par. 3]

§ 35.7 *What payment is authorized—*(a) *Payments under contracts for indefinite quantities and unlimited amounts.* It has been stated that contracts for indefinite quantities are invalid. This is merely the statement of the general legal principle that the undertakings of the parties to a contract must be sufficiently definite to be capable of enforcement. Thus in 14 Comp. Gen. 446, it was stated that one of the first and most important requisites of a valid contract is that the terms thereof shall be certain, definite, and specific and that, while it may not be possible to determine definitely the quantities which may be required under certain conditions, there appears no reason why there should not be an estimated quantity specified with a variance of 10, 20, or 25 percent. It has also been stated that contracts purporting to obligate the Government to pay unlimited amounts are not authorized. This statement reflects the principle that, with certain exceptions, no contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment (R. S. 3732; 41 U.S.C. 11); whereas an obligation involving payment of an unlimited amount might exceed the appropriation. 15 Comp. Dec. 405, 407; 5 Comp. Gen. 450, 454. These principles do not invalidate the so-called "indefinite quantity contract" under which the contractor undertakes to furnish all of the actual requirements of a Government agency for a particular item and the Government agency in turn agrees to purchase from the contractor all of its requirements of that item during the specified period. See 19 Comp. Gen. 599. Likewise, these principles do not affect the validity of cost-plus-a-fixed-fee contracts expressly authorized by statute (sec. 2, act 28 June 1940 (54 Stat. 676; 50 U.S.C. App. 633); sec. 1, act 2 July 1940 (54 Stat. 712)), pursuant to which a

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contractor agrees to deliver a specified quantity of items or to perform a specified service, and the Government agrees to pay an undetermined amount to be computed by adding to the fixed fee the actual cost incurred.

(b) *Rates effective "until further notice".* In the absence of competition there is no objection to entering into agreements for public utilities service at stipulated rates "until further notice," without necessity for new agreements or annual renewals except to cover changes in rates or service, unless the interests of the Government require otherwise in a particular case, the original agreements and all changes to be filed in the General Accounting Office, and the vouchers to cite the agreement involved and bear a statement by a responsible officer of the public utility concerned as to the rates charged. Payment may not be made for service in an amount stipulated in a substitute agreement which is in excess of

the rate stated in the original contract, effective "until further notice," prior to the date of actual receipt of the substitute agreement by the proper administrative representative of the Government. See 15 Comp. Gen. 920; MS. Comp. Gen. A 65231, 15 December 1936.

(c) *Customs duties on foreign purchases—(1) Duty free purchases.* The act approved 30 June 1914 (38 Stat. 399; 34 U. S. C. 568) authorized the Secretary of the Navy to make emergency purchases of war material abroad and provided that the same shall be admitted free of duty. By Executive Order 9177, dated 30 May 1942, this authority was extended to the Secretary of War and others.

(2) *Payment of customs duties.* Where the importation is not duty free the amount of the customs duty is properly chargeable to the same appropriation as the purchase, notwithstanding the fact that the importation and the purchase are in different fiscal years; the customs duty is not chargeable to the appropriation for the fiscal year in which the importation occurs (26 Comp. Dec. 610). Checks issued in payment of customs duties will be drawn payable to and forwarded to the Collector or Deputy Collector of Customs at the port where entry was made.

(3) *Philippine export tax.* Appropriated funds may not be used to pay an export tax on property of the United States shipped from the Philippines sought to be imposed pursuant to the authority granted in the Philippine Independence Act of 24 March 1934 (48 Stat. 456), as amended by the act of 7 August 1939 (53 Stat. 1226). See 21 Comp. Gen. 226. [Par. 4]

§ 35.8 *Adjustments—(a) Mistakes in contract price.* Where a contractor claims payment in addition to the contract price on the ground that a mistake was made in the contract price, consideration may be given to whether the contract should be amended in accordance with the procedure outlined in §§ 81.304 to 81.308 of this Title (Procurement Regulation No. 3). In the event that the contract is amended in accordance therewith, payment will be made in accordance with the contract as amended. Otherwise, only the price specified in the contract will be paid and the contractor will be advised to present to the General Accounting Office any protests he may have in connection with the settlement as made.

(b) *Contract provisions for price adjustment.* The contract may contain provision for price adjustment. (For various price adjustment contract articles see §§ 81.322 to 81.368 of this Title (Procurement Regulation No. 3)). Payment will be made in accordance therewith.

(c) *Transportation costs—(1) Shipment from point nearer than f. o. b. point.* Shipment to the designated destination from a point nearer than the f. o. b. point does not entitle the contractor to the savings in freight charges over what the Government would have had to pay had shipment been from the f. o. b. point, even though the supplies

cost the contractor more at the shipping point than they would have cost at the f. o. b. point. See 3 Comp. Gen. 56.

(2) *Land-grant deductions.* Where a contract provides for delivery f. o. b. destination and shipment is made on Government bill of lading, which entitles the Government to certain land-grant deductions from the regular commercial rates, the contractor is not entitled to the benefits obtained by the Government on account of said land-grant deductions. See MS. Comp. Gen. A 30249, 8 April 1930.

(3) *Adjustments by General Accounting Office.* Where a contract requires the contractor to deliver at a point f. o. b. and provides that the Government may direct delivery to be made at other points, with an adjustment in the contract price corresponding to the resulting increase or decrease in the amount of the freight, a disbursing officer will not attempt to adjust the matter if the contractor refuses to accept payment on the usual basis and contends that he has paid transportation expenses which the Government was obligated to pay or that the deduction from the contract price sought to be made on account of freight paid by the Government is excessive. Such cases will be transmitted to the General Accounting Office for direct settlement as claims. See 8 Comp. Gen. 500.

(d) *Inferior goods.* Varying contract provisions are found dealing with goods that do not conform to specifications but are nevertheless retained and used by the Government. For instance, certain quartermaster contracts dealing with canned foods provide for deductions from the contract price and for cash reimbursement, in lieu of the right to reject and require replacement of defective cans. Other contracts provide that, if public necessity requires use of rejected goods not conforming to specifications, payment therefor shall be made at a proper reduction in price. Payment for rejected goods so retained and used has usually been on the basis of their reasonable value as distinguished from the contract price. See *Barry v. United States*, 229 U. S. 47; *Cor & Sons v. United States*, 55 Ct. Cl. 7; 5 Comp. Gen. 993; 15 id. 612. In all such cases disbursing officers will submit the vouchers to the Fiscal Director for instructions as to payment.

(e) *Set-off.* The Government always has the right to set off against an amount due a claimant any sum the claimant owes the Government, either under the same or other contracts or obligations. See *Barry v. United States*, 229 U. S. 47; 37 Op. Atty. Gen. 215; 7 Comp. Gen. 186; 18 id. 524. The right of set-off does not apply to unliquidated demands, but the Government has the equitable right to withhold payment of moneys due under one contract to a contractor who is in default under another contract until his indebtedness thereunder can be liquidated. See 7 Comp. Dec. 213. Where a contract so provides, payment to an assignee shall not be subject to reduction or set-off for any indebtedness of the assignor arising independently of the assigned contract. See act 9 October

1940 (54 Stat. 1029; 31 U.S.C. 203; 41 U.S.C. 15).

(f) *Delay in performance—(1) When no damages provided for in contract.*

(i) Where no specific provision is made in a contract for either liquidated or actual damages, the contractor is, upon failure to complete the contract within the specified time, chargeable with actual damages caused the Government by the delay, unless the delay is excusable under the provisions of the contract or under statutory provisions. Act 31 May 1941 (55 Stat. 236); sec. 301, act 27 March 1942 (56 Stat. 177; 50 U.S.C. App. 633).

(ii) Where there has been delay in performance under a contract which does not contain a provision for damages, the contracting officer will determine whether or not the delay resulted in actual damage to the Government.

(iii) In cases where the contracting officer has determined that the delay resulted in actual damage to the Government, the contracting officer will furnish for file with the voucher a statement of the damage resulting from the delay.

(iv) In cases where the contracting officer has determined that the delay did not result in actual damage, the contracting officer will not be required to furnish a certificate to that effect, except as hereinafter provided. In all cases where the voucher is not accompanied by a statement as to damages, it will be assumed that the contracting officer has determined that no actual damages resulted or that the contractor was not responsible for the delay, and the disbursing officer will make full payment of the voucher, if otherwise correct. If in any such case the General Accounting Office should, after payment of the voucher, request a certificate, contracting officer will prepare and furnish a certificate that the delay did not result in any actual damage to the Government.

(2) *When actual damages provided for in contract.* Whenever under a contract containing provisions for actual damages the contracting officer determines that the failure to complete the contract within the specified time did not result in any actual damage to the Government, the provisions of subparagraph (1) (iv) of this paragraph will apply.

(3) *When liquidated damages provided for in contract.* (i) Whenever, under a contract containing a liquidated damages clause, the contractor fails to perform within the stipulated period and the time is not extended or the liquidated damages waived, the disbursing officer will deduct the maximum amount of liquidated damages for which the contractor may be liable and claim credit for the net amount only, crediting the amount so deducted to the open allotment and project account entitled "Reserve for Settlement of Claims", subject to final adjustment by the General Accounting Office. Accounts deducted on account of liquidated damages will not again become available for obligation or for payment by disbursing officers, settlement to be authorized by the General Accounting Office. Any protests made

by the contractor against the deduction of liquidated damages will be forwarded, together with a statement of all payments made, citations to all vouchers and a detailed statement from the contracting officer, through the Fiscal Director to the General Accounting Office. See 16 Comp. Gen. 374, and Procurement Regulation No. 303-E. (§ 81.308e of this Title)

(ii) Where a contract contains a liquidated damages clause based on the contract price and also contains an offer of discount for prompt payment, the liquidated damages should be deducted on the basis of the gross contract price and without regard to the discount. The discount is likewise to be computed on the gross contract price without regard to the amount of the liquidated damages.

(iii) Where a contract contains a liquidated damages clause based on the contract price, which price is subsequently modified, and also contains an offer of discount for prompt payment, the liquidated damages and the discount should each be computed on the basis of the modified contract price.

(iv) Where a contract contains a liquidated damages clause based on the contract price and also contains clauses providing for price reduction and for penalties, the liquidated damages should be computed on the price as revised but without regard to any penalties that may be assessed. See 18 Comp. Gen. 784.

(g) *Disposition of amounts collected by reason of contractor's default.* Amounts collected on account of actual damages or excess costs charged to defaulting contractors should be credited to Miscellaneous Receipts (see MS. Comp. Gen. A 26073, 20 March 1929, 8 August 1929; 10 Comp. Gen. 510), but amounts refunded because of the rejection of unsatisfactory supplies may be credited to the appropriations from which the original payments were made. See 8 Comp. Gen. 103.

(h) *Violations of 8-hour law—(1) Disposition of amounts collected.* Amounts withheld from a contractor as a penalty for violation of the 8-hour law of 19 June 1912 (37 Stat. 137; 40 U.S.C. 324), are moneys collected for the use of the United States as specifically provided in said law, and, accordingly, are for depositing and covering into the Treasury as miscellaneous receipts as provided by sections 3617 and 3618, Revised Statutes. Such amounts, however, may be permitted to remain to the credit of the appropriation involved until such time as the right of appeal to the head of the department, as provided in the act of 19 June 1912, has expired (6 months), or until final action on such appeal in case same is duly filed. See 10 Comp. Gen. 504.

(2) *Suspension of law.* Because of the national emergency, Congress provided in section 5b, act of 28 June 1940 (54 Stat. 679), that the provisions of the 8-hour law should be suspended for work covered by Army, Navy, and Coast Guard contracts. This act was superseded by section 303, act 9 September 1940 (54 Stat. 884; 40 U.S.C. 325a), by the terms of which work in excess of 8 hours a day

Amounts

is now permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. The effect of this latest statute is to reinstate the provisions of the act of 1912, and to provide a statutory waiver thereof where time and one-half is paid. Hence, if the contractor fails to pay such extra compensation, he still violates the 1912 statute and is subject to its penalties. See 20 Comp. Gen. 233; id. 890; 21 id. 1110.

(i) *Partial payments in doubtful cases.* Where a disbursing officer is in doubt as to the legality of a portion of the amount covered by a voucher which is before him for payment, only the amount in doubt will be withheld for submission to The Comptroller General or transmission to the General Accounting Office, and payment will be made to the contractor of such portion of the voucher as is not in question. Disbursing officers will consider such vouchers with a view to paying the maximum amount consistent with protection of the interests of the Government. [Par. 5]

§ 25.9 *Payment where there is no valid contract*—(a) *Lost contract.* Where all executed copies of a contract have been lost, its contents may be proved by the production of the original proposal, a certified copy of its acceptance, and an unsigned copy of the contract, so as to authorize payment at the contract rates for supplies which have been actually delivered. See 4 Comp. Dec. 82.

(b) *Completed transactions.* When payment has been made and accepted under an agreement shown to be reasonable, but informally executed (that is, not signed at the end as required by section 3744, Revised Statutes), the transaction is complete and both parties are bound thereby. See 24 Comp. Dec. 226.

(c) *Quantum meruit.* (1) Accounts covering supplies furnished or services rendered before the making of a contract, without a valid contract, or where otherwise settlement is on a quantum meruit basis, should be transmitted through the Fiscal Director to the General Accounting Office. (See MS. Comp. Dec. A. D. 4997, 6 August 1920.) For exception, see (3) below.

(2) The agreed price, if any, is prima facie but not conclusive evidence as to the amount of liability. See 8 Comp. Dec. 526; 20 id. 437.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, a cost-plus-a-fixed-fee contractor may be reimbursed for proper expenses which were not included in the fixed fee and which were incurred in connection with expediting performance of work under the contract prior to its formal execution, but after verbal notification that the contract would be awarded. See 21 Comp. Gen. 462.

(4) Where a military order commandeered labor and property upon the

terms and with compensation as set forth therein, and the parties to whom the order was directed could not have refused to obey it, the Government is liable on an implied contract to pay them on a *quantum meruit* basis the value of the labor, material, supplies and equipment furnished thereunder. Such an agreement may not be considered a contract within the meaning of that word, as used in statutes prohibiting the procurement of supplies or labor under contracts on a cost-plus-a-percentage-of-cost basis. However, in support of reimbursement vouchers, there should be furnished such evidence as will satisfactorily establish that the labor and materials involved were actually furnished pursuant to orders, and, where reimbursement is to be made for the actual cost thereof, evidence that the amounts claimed have actually been paid. See MS. Comp. Gen. B 36873, 16 October 1943.

[Par. 6]

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

[SEAL]

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

[F. R. Doc. 44-2250; Filed, February 16, 1944;
9:26 a. m.]

Chapter VII—Personnel

PART 72—EMPLOYMENT OF CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

EMPLOYMENT AND COMPENSATION OF CIVILIAN VETERINARIANS

Sections 72.6 and 72.7, pertaining to the employment and compensation of civilian veterinarians, are hereby amended to read as follows:

§ 72.6 *Employment of civilian veterinarians; general.* (a) When veterinary treatment, including medicine, nursing, and hospital care, is required for a public animal or an authorized private mount actually owned by an officer, and such care and treatment cannot otherwise be had, the commanding officer, on recommendation of the surgeon, may employ the necessary civilian service, and just accounts therefor will be paid from Medical Department appropriations.

(b) Accounts for consultation will not be allowed except in extraordinary cases.

(c) Surgical appliances will be paid for only upon satisfactory evidence of their necessity, and such evidence, except in cases of emergency, should be submitted to the commanding general of the service command for his approval before purchase. (56 Stat. 620; Public Law 108, 78th Cong.) [Par. 1, AR 40-2030, 31 August 1942, as amended by C 1, 4 February 1944]

§ 72.7 *Compensation for veterinary attendance.* (a) The compensation allowed to civilian veterinarians for veterinary attendance on public account at garrisoned stations will not exceed the

following rates and, if the local charge per visit is less, the account will be rendered at the local rates:

(1) For attending veterinary sick call, five patients, or less, \$4.00.

(2) For each patient in excess of five, 50 cents.

(3) For each additional visit to post or sick call on same day, when necessary, \$4.00.

(b) Accounts arising at stations under exceptional circumstances, all accounts arising at other places, and accounts for special surgical services will be allowed at reasonable rates approved by the commanding general of the service command.

(c) When there is a large sick report and the service will be required for an extended period, application will be made to the commanding general of the service command for authority to employ a veterinarian by the month. (R. S. 161; 5 U.S.C. 22) [Par. 3, AR 40-2030, 31 August 1942, as amended by C 1, 4 February 1944]

[SEAL]

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

[F. R. Doc. 44-2249; Filed, February 16, 1944;
9:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 38]

PART 600—DESIGNATION OF CIVIL AIRWAYS

BLUE CIVIL AIRWAY 3 AND LOS ANGELES TO SAN FRANCISCO CIVIL AIRWAY (COASTAL ROUTE)

FEBRUARY 1, 1944.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1 By amending § 600.10302 *Blue civil airway No. 3 (Birmingham, Ala., to Tampa, Fla.)* to read as follows:

§ 600.10302 *Blue civil airway No. 3 (Tampa, Fla., to Birmingham, Ala.).* From the Tampa, Fla., radio range station via the intersection of the center lines of the on course signals of the north leg of the Tampa, Fla., radio range and the southeast leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Cross City, Fla., radio range and the east leg of the Tallahassee, Fla., radio range. From the intersection of the center lines of the on course signals of the northwest leg of the Tallahassee, Fla., radio range and the southeast leg of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Maxwell Field, Ala., radio

range station; the intersection of the center lines of the on course signals of the west leg of the Maxwell Field, Ala., radio range and the south leg of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station.

2. By amending § 600.10414 *Los Angeles, Calif., to San Francisco, Calif., civil airway (Coastal Route)* to read as follows:

From the Municipal Airport, Los Angeles, Calif., via the Municipal Airport, Santa Barbara, Calif.; Hancock Army Air Base, Santa Maria, Calif.; San Luis Obispo, Calif., Army Air Base; a point at latitude 35°48'15" north and longitude 120°39' west; Salinas, Calif., radio range station; Salinas, Calif., Army Air Base and San Jose, Calif., Airport to Municipal Airport, San Francisco, Calif.

This amendment shall become effective 0001 e. w. t., February 15, 1944.

C. I. STANTON,
Administrator.

[F. R. Doc. 44-2237; Filed, February 15, 1944;
3:48 p. m.]

[Amendment 59]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

REDESIGNATION OF RADIO FIXES: RED CIVIL
AIRWAY NO. 31; BLUE CIVIL AIRWAY NO. 3

FEBRUARY 1, 1944.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding in § 601.40231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.)* after the words: "Rapid City, S. Dak., radio range station," the following: "Pierre, S. Dak., radio range station;"

2. By amending § 601.40303 *Blue civil airway No. 3 (Birmingham, Ala., to Tampa, Fla.)* to read as follows:

§ 601.40303 *Blue civil airway No. 3 (Tampa, Fla., to Birmingham, Ala.)*. The intersection of the center lines of the on course signals of the north leg of the Tampa, Fla., radio range and the southeast leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Cross City, Fla., radio range and the east leg of the Tallahassee, Fla., radio range; Dothan, Ala., radio range station; the intersection of the center lines of the on course signals of the west leg of the Maxwell Field, Ala., radio range and the south leg of the Birmingham, Ala., radio range.

This amendment shall become effective 0001 e. w. t., February 15, 1944.

C. I. STANTON,
Administrator.

[F. R. Doc. 44-2238; Filed, February 15, 1944;
3:48 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 33]

PART 803—GENERAL ORDERS

ADJUSTMENTS OF PAY RATES OF WAR RELOCATION AUTHORITY EMPLOYEES

Procedure relative to adjustment in the rates of pay of employees of the War Relocation Authority.

§ 803.33 *General Order No. 33.* (a) The National War Labor Board delegates to the War Relocation Authority, to be exercised on its behalf by the Director of the War Relocation Authority, the authority to approve adjustments in the wages or salaries of the employees of the War Relocation Authority, not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, all in accordance with the further provisions of this order.

(b) In the exercise of his authority hereunder the Director of the War Relocation Authority shall comply with the terms of Executive Order 9250, dated October 3, 1942, Executive Order 9328, dated April 8, 1943, the Supplement thereto issued by the Director of Economic Stabilization on May 12, 1943, and all pertinent principles and policies of the National War Labor Board or of the Director of Economic Stabilization heretofore or hereafter announced.

(c) The Director of the War Relocation Authority, without making a ruling thereon, may refer to the National War Labor Board for decision any case which in his opinion presents doubtful or disputed questions of sufficient seriousness or import to warrant action by the National War Labor Board.

(d) A certificate by the Director of the War Relocation Authority attesting to the approval of the adjustment, stating the nature and amount of the adjustment, and briefly setting forth the facts indicating that the adjustment meets the requirements of the wage stabilization program, as set forth above, will be accepted by the National War Labor Board as sufficient evidence of the propriety of the adjustment. All rulings of the Director hereunder shall be subject to review by the National War Labor Board on its own initiative, but the reversal or modification of any such ruling shall not be retroactive.

(e) The certificate described herein, together with four copies thereof, shall be filed promptly with the Wage Stabilization Division of the National War Labor Board, together with such additional data and reports as said Division or the National War Labor Board may from time to time require.

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

Adopted February 1, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-2251; Filed, February 16, 1944;
9:23 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Reg. 13, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

LUMP AND DOUBLE-SCREENED COALS IN SOUTHEASTERN STATES

Since the critical shortage of solid fuels in the southeastern states affected by this regulation has been substantially mitigated by shipments of bituminous coal made in accordance with this regulation, it is now necessary to issue this amendment in order to permit a more normal distribution of solid fuels. Producers should, however, arrange their distribution schedules so that the affected states will receive an equitable share of lump and double-screen coals. Accordingly, pursuant to Executive Order No. 9332 (8 F.R. 5355), Solid Fuels Administration for War Regulation No. 13 (9 F.R. 1005-1006; 9 F.R. 1483) is hereby amended as follows:

1. Section 602.236 is amended to read as follows:

§ 602.236 *Producers in District No. 8 required to make available 5% of lump and double-screened coals for shipment pursuant to directions.* (a) Each producer in District No. 8 shall make available for shipment pursuant to specific directions issued by the Solid Fuels Administration, 5% of each week's production of lump and double-screened coal (but not including household domestic stocker coal). However, if no specific direction from the Solid Fuels Administration is received by any such producer by Thursday of any week, such producer may ship the entire production of lump and double-screened coal of that week on orders on hand subject to the provisions of Solid Fuels Administration for War Regulation No. 10 (8 F.R. 15773) or of other regulations or directions issued by the Solid Fuels Administration.

(b) All directions issued, pursuant to this regulation, prior to the effective date of this amendment must be complied with prior to February 20, 1944.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, no producer described in those paragraphs shall be deemed to be required by such paragraphs to curtail his production, and he may ship coal upon any order if such shipment is necessary to permit uninterrupted operation at his mine.

2. Section 602.238, *Reports*, is hereby rescinded.

This amendment shall become effective February 17, 1944.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 14th day of February 1944.

C. J. POTTER,
Deputy Administrator.

[F. R. Doc. 44-2255; Filed, February 16, 1944;
11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

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; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-476]

LOUIS FINKEL

Louis Finkel is engaged in business as "A" and Clearfield Streets, Philadelphia, Pennsylvania. On June 17, 1943, without approval of the War Production Board he purchased paper converting machinery of a value of \$5,728 at public auction; this machinery was used critical industrial machinery as defined by Limitation Order L-83, and the order forbade disposition of such machinery to a person other than a distributor at auction without approval of the War Production Board if the value exceeded \$200; Louis Finkel may be considered a distributor for the purposes of this sale. Subsequently, however, and with knowledge of the provisions of Limitation Order L-83, he transferred the paper converting machinery to his wife, Anna Finkel, doing business as the Lee Box Company, Philadelphia, Pennsylvania, on an order which was not an approved order. This delivery constituted a wilful violation of Limitation Order L-83.

This violation of Limitation Order L-83 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.476 *Suspension Order No. S-476.* (a) Deliveries of material to Louis Finkel, his successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made directly or indirectly to Louis Finkel, his successors or assigns, of any material the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

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

(d) This order shall take effect on February 15, 1944, and shall expire on June 15, 1944.

Issued this 8th day of February 1944.

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

[F. R. Doc. 44-2239; Filed, February 15, 1944;
4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-477]

LEE BOX COMPANY

Mrs. Anna Finkel of Philadelphia, Pennsylvania, doing business as Lee Box Company, is engaged in the manufacture of paper boxes. Subsequent to June 17, 1943, she accepted delivery of paper converting machinery, which is critical industrial machinery as defined by Limitation Order L-83, of the value of \$5,728, which exceeded the value of \$200 permitted by Limitation Order L-83, on an order which was not an approved order. This machinery had been purchased by her husband, Louis Finkel, on June 17, 1943, at an auction sale, and transferred by him to her without approval of the War Production Board and in violation of Limitation Order L-83. At the time of this transaction she was aware of the restrictions contained in Limitation Order L-83, and this act constituted a wilful violation of Limitation Order L-83.

This violation of Limitation Order L-83 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing facts, *it is hereby ordered, That:*

§ 1010.477 *Suspension Order No. S-477.* (a) Deliveries of material to Anna Finkel, individually or doing business as Lee Box Company or otherwise, her or its successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made directly or indirectly to Anna Finkel, individually or doing business as Lee Box Company or otherwise, her or its successors or assigns, of any material the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Anna Finkel, individually or doing business as Lee Box Company or otherwise, her or its successors or assigns,

shall not directly or indirectly receive any paper or paperboard, unless hereafter specifically authorized in writing by the War Production Board.

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

(e) This order shall take effect on February 15, 1944, and shall expire on April 15, 1944.

Issued this 8th day of February 1944.

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

[F. R. Doc. 44-2240; Filed, February 15, 1944;
4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-486]

F. P. HOLLISTER

F. P. Hollister of 166 Blaine Street, Batavia, Illinois, is employed by a corporation as sales promotion manager and expeditor in the purchase of steel wire. Apart from his regular employment duties, between October 16, 1942, and November 27, 1943, he purchased for himself without authority of the War Production Board and in violation of General Preference Order M-21 and Conservation Order M-126, 26,000 pounds of sub-standard wire and sold the wire at a profit to be used for florists' supplies. In order to accomplish this transaction, he procured the entry of eleven purchases and invoices under a fictitious name. The respondent's regular employment requires him to purchase and deal in wire and he had knowledge of War Production Board orders relating to this business. Mr. Hollister admits that his actions were violations of General Preference Order M-21 and Conservation Order M-126, and they were so grossly negligent as to be deemed wilful.

This improper use of steel wire has diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.486 *Suspension Order No. S-486.* (a) F. P. Hollister, as an individual and for his own account, his successors or assigns, shall not directly or indirectly buy, receive, trade in, sell or deliver any iron, steel or other ferrous products, unless hereafter specifically authorized in writing by the War Production Board.

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

(c) This order shall take effect on February 15, 1944, and shall expire on May 15, 1944.

Issued this 8th day of February 1944.

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

[F. R. Doc. 44-2241; Filed, February 15, 1944;
4:25 p. m.]

PART 1157—CONSTRUCTION MACHINERY¹

[Supplementary General Limitation Order
L-53-b, as Amended Feb. 16, 1944]

REPAIR PARTS FOR TRACK-LAYING TRACTORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain repair parts necessary to service track-laying tractors for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.7¹ *Supplementary General Limitation Order L-53-b—(a) Definitions.* For the purpose of this order:

(1) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads, obtaining traction and steered by a full crawler or track-type device; but does not include Ordnance models of tank-type construction such as models M-2, M-4 and M-5.

(2) "Repair part" means:

(i) Any part manufactured for use in the repair of track-laying tractors, but not parts sold to other manufacturers for manufacturing purposes; and

(ii) Tools which bear a producer's standard parts number and which are used in servicing track-laying tractors or attachments.

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

(4) "Producer" means any person engaged in the manufacture of both track-laying tractors and repair parts.

(5) "Domestic dealer or distributor" means any person located within the United States or Canada who, by agreement with a producer, has been granted a sales territory for the sale of repair parts within the United States or Canada.

(6) "Export dealer or distributor" means any dealer or distributor, who, by agreement with a producer, has been granted a sales territory for the sale of repair parts outside the United States and Canada.

(7) "Certificate of minimum requirements" means a declaration in writing by a purchaser pursuant to paragraph (c) (1) of this order.

(8) "War project" means:

(i) A construction project (and maintenance and operation thereof) undertaken by, or contracted for by or for the account of, the Army, the Navy, Maritime Commission or Defense Plant Cor-

poration, or any other construction project granted a preference rating of AA-4 or higher under any order in the P-55 or P-19 series.

(ii) Any other project which shall be so designated by the War Production Board.

(9) "Essential civilian operation" means:

(i) The operation of any mine that holds a serial number under Preference Rating Order P-56;

(ii) Any operation directly incident to the production of logs of any species, including the delivery of logs to sawmills, pulp mills or other dealers in or users of logs;

(iii) Any operation directly incident to the planting, growing or harvesting of agricultural products (excluding flowers, shrubs and other plants grown for decorative purposes);

(iv) Any operation in the petroleum industry directly incident to production, natural gasoline production, transportation (by pipe line), refining, or marketing (other than retail marketing), as these terms are defined in Preference Rating Order P-98-b as amended;

(v) Any operation directly incident to the transportation (by pipe line) and marketing (other than retail marketing) of natural gas; or

(vi) Any other operation or project which shall be so designated by the War Production Board.

(10) "United States" means the forty-eight states of the United States and the District of Columbia.

(11) "Foreign base" means a construction project (and maintenance and operation thereof) located outside the United States and Canada, being built for or under the supervision of the War Department, Navy Department, or other United States Government agency by civilian contracting or engineering organizations which normally purchase repair parts from sources located within the United States.

(12) "Military agency" means the Army, Navy, Maritime Commission, War Shipping Administration or any of the following persons when acting as the authorized procurement agents for the Navy:

(i) George A. Fuller Co. and Merritt-Chapman and Scott Corp.;

(ii) M. T. Reed Company;

(iii) Siems-Drake, Puget Sound;

(iv) Pacific Naval Air Bases.

(b) *Limitations on sales by producers.*

(1) No producer shall sell or deliver repair parts except to:

(i) A military agency,

(ii) A domestic dealer or distributor located within the United States or Canada, or

(iii) Any person for export outside the territorial limits of the United States and Canada subject to paragraph (b) (2) hereof.

(2) No producer shall sell or deliver repair parts to any person (other than a domestic dealer or distributor for delivery to persons engaged on foreign bases, a military agency, or an export dealer or distributor) for export outside the territorial limits of the United States

and Canada except upon receipt of Form WPB-1319 (or Form PD-556) approved by the War Production Board. In order to receive such approval, a purchaser shall file Form WPB-1319 (or Form PD-556), in quadruplicate, with the War Production Board, Washington 25, D. C., Ref.: L-53-b. Nothing in this order shall be deemed to relieve any person from the necessity of obtaining an export license from the Board of Economic Warfare, where such license is required.

(3) No producer shall, during the period of July 1, 1942, to June 30, 1943, sell or deliver to all the military agencies combined any repair parts in excess of an aggregate of 40 percent of the value, at invoice price, of his total shipments of such repair parts during such period. No producer shall, during the period of July 1, 1943, to June 30, 1944, sell or deliver to all the military agencies combined any repair parts in excess of an aggregate of 40 percent of the value, at invoice price, of his total shipments of such repair parts during such period. This 40 percent restriction does not limit purchases made by a military agency from domestic dealers or distributors upon a certificate of minimum requirements.

(4) Except as provided in paragraph (b) (5) of this order or unless specifically authorized in writing by the War Production Board, no producer shall during any calendar quarter sell or ship to any domestic dealer or distributor a quantity of repair parts of a value, at invoice price, in excess of either \$500.00 or 60 percent of the value of such producer's shipments to such domestic dealer or distributor during the preceding six calendar months, whichever is the greater.

(5) Notwithstanding the provisions of paragraph (b) (4) of this order, a producer may sell or ship to any domestic dealer or distributor during any calendar quarter repair parts in an amount up to and including 25 percent in excess of the quota of such domestic dealer or distributor as computed in accordance with the terms of paragraph (b) (4) of this order, but any sales or shipments in excess of such quotas shall be charged against the quota of such domestic dealer or distributor for the next calendar quarter, and such excess shipments shall not be used in computing any base period quota thereafter.

(c) *Limitations on sales by domestic dealers and distributors.* (1) Except as provided in paragraphs (c) (3), (c) (4), and (c) (5) of this order, no domestic dealer or distributor of repair parts shall sell or deliver any repair parts to any person (except a producer or another domestic or export dealer or distributor) unless he has received from such person a certificate of minimum requirements for specific track-laying tractors for which repair parts are sought to be purchased. The purchaser shall furnish such certificate of minimum requirements in one of the following ways:

(i) In the case of a written purchase order, the purchaser shall endorse thereon or attach thereto a certification in

¹ Formerly Part 1107, § 1107.3.

substantially the form set forth below, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, and giving all of the information called for:

Pursuant to the terms of Limitation Order L-53-b of the War Production Board the undersigned certifies to the seller and to the War Production Board that the following statements are correct:

(I) -----
Make and model of track-laying tractor(s) for which repair parts are sought

(II) -----
Factory serial number(s)

(III) -----
Owner of track-laying tractor(s)

(IV) -----
Type of work being performed by track-laying tractor(s) described above (describe the job specifically, e. g., mining, logging, agriculture, highway maintenance, airport construction, etc.)

(V) -----
Contract number of war agency or P-19 or P-55 serial number and rating, if any

(VI) The purchaser hereby certifies that he has registered all construction equipment owned by him pursuant to the terms of Limitation Order L-196, unless exempt from the requirements of such order.¹

(VII) The purchaser hereby certifies that the repair parts listed on the purchase order to which this certificate pertains are the minimum quantity of repair parts immediately necessary to put such track-laying tractor(s) in serviceable condition, and are not for stock.

(VIII) The purchaser hereby certifies that he does not have like parts on hand or on order to repair the above-described track-laying tractor(s).

Date

Name of purchaser

Address of purchaser

(ii) In the case of a purchase order placed by telegraph, the purchaser shall include in the telegram: all information specified in items (I), (II), (III), (IV) and (V) of the certification prescribed in paragraph (c) (1) (i), the statement "Certified under L-53-b", and the name of the person sending the telegram, provided that such person shall be an official duly authorized to make such certification. The statement "Certified under L-53-b" shall constitute a certification to the seller and to the War Production Board of the correctness of all information included in the telegram and shall constitute a certification of all facts specified in items (VI), (VII) and (VIII) of the certificate prescribed in paragraph (c) (1) (i). In such case, a copy of the outgoing telegram shall be retained by the person placing the order and such copy shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7.

(iii) In the case of a purchase order placed by telephone, the purchaser shall state to the domestic dealer or distributor, at the time of placing the order, the substance of the certification set forth in paragraph (c) (1) (i), provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement fur-

nishes to the domestic dealer or distributor within 15 days after placing the purchase order, written confirmation of such order, bearing a certification substantially in the form prescribed in paragraph (c) (1) (i). In case of failure to receive written certification within such 15 day period, the domestic dealer or distributor shall not accept any other order from, or deliver any additional repair parts to, the purchaser until such written certification is furnished.

(2) No domestic dealer or distributor of repair parts shall sell or deliver pursuant to paragraph (c) (1):

(i) A quantity of repair parts to any person in excess of such person's certified minimum requirements.

(ii) Any repair parts to any person whose certificate such domestic dealer or distributor knows or has reason to believe is false.

(3) Notwithstanding the provisions of paragraphs (c) (1) and (c) (2) of this order, a domestic dealer or distributor may sell and deliver repair parts to a purchaser for use on a foreign base under circumstances where the distances involved, the time element, or the lack of shipping facilities make it impracticable to furnish a certificate of minimum requirements, provided such domestic dealer or distributor receives from such purchaser Form WPB-1319 (or Form PD-556) approved by the War Production Board. In order to receive such approval a purchaser shall file Form WPB-1319 (or Form PD-556), in quadruplicate, with the War Production Board, Washington 25, D. C., Ref.: L-53-b.

(4) Notwithstanding the provisions of paragraph (c) (2) of this order, a domestic dealer or distributor may sell or deliver fuel filters and oil filters in sufficient quantity to permit 500 hours operation if he has received from the purchaser a certificate in accordance with paragraph (c) (1) hereof even though subdivisions (VII) and (VIII) of such certificate are not completed.

(5) Notwithstanding the provisions of paragraphs (c) (1) and (c) (2) of this order, a domestic dealer or distributor may sell and deliver repair parts to a purchaser for reconditioning and salvaging worn or damaged parts or sub-assemblies which have been replaced on a particular tractor by other parts or sub-assemblies, provided such domestic dealer or distributor receives from such purchaser Form WPB-1319 (or Form PD-556) approved by the War Production Board. In order to receive such approval, a purchaser shall file Form WPB-1319 (or Form PD-556) in quadruplicate with the regional or any district office of the War Production Board in the region in which such parts or sub-assemblies are to be reconditioned and salvaged.

(d) *Procedure for domestic dealer or distributor in placing orders for critical repair parts.* (1) A domestic dealer or

distributor in placing a purchase order with a producer for repair parts for which he has received customers' orders that he is unable to fill out of stock may, if he wishes such purchase order to be entitled to the treatment by the producer required in paragraph (e) of this order, state on the purchase order that the repair parts are for one of the following purposes: (i) War projects as defined in paragraph (a) (8); (ii) foreign bases as defined in paragraph (a) (11); (iii) essential civilian operations (which include only certain mining, logging, agricultural, petroleum and natural gas operations) as defined in paragraph (a) (9); (iv) export; or (v) miscellaneous use. Such statement by the domestic dealer or distributor shall be based on the specific job description shown by item (IV) of the certificate of minimum requirements of customers for whom the repair parts are being ordered or by Form WPB-1319 (or Form PD-556) in the case of orders for customers who have obtained authorization to purchase on Form WPB-1319 (or Form PD-556). The term "miscellaneous use" as used in this paragraph (d) (1) shall be construed to identify any purchase order to be filled out of the category of sales described in subdivision (v) of paragraph (e) (1). A domestic dealer or distributor shall not include, in a single purchase order placed with a producer, orders for repair parts to be filled out of more than one of the categories of sales described in paragraph (e) (1). Repair parts received from a producer by such domestic dealer or distributor, pursuant to each such purchase order, shall be delivered to the customers for whom they were ordered in the sequence in which the customers' orders were received by such domestic dealer or distributor or as otherwise directed by the producer from whom the repair parts were received. Nothing in the foregoing shall be construed to permit a domestic dealer or distributor to place the statements specified above on any order for repair parts placed with a producer for the purpose of building inventory stock.

(e) *Procedure when inventory of producer is insufficient to fill orders.* (1) Whenever unfilled orders in the hands of a producer calling for immediate delivery of any repair part shall exceed his inventory of such repair part, he shall, so long as such condition exists, make no sale (except to military agencies and for export pursuant to paragraph (b) (2) of this order) on any purchase order not containing the statements referred to in paragraph (d) (1) of this order and shall apportion his sales of such repair part as follows:

(i) Sales directly to military agencies: Not more during any month than 40 percent of his total sales of such repair part during that month.

(ii) Sales to domestic dealers and distributors for delivery to persons engaged on war projects and on foreign bases (as indicated by the purchase order of the dealer or distributor) and sales to persons engaged on foreign bases: Not more during any month than 20 percent of his total sales of such repair part during that month.

¹ Item (VI) of the certificate of minimum requirements is not to be included in certificates used by persons in Canada.

(iii) Sales to domestic dealers and distributors for delivery to persons engaged in essential civilian operations (as indicated by the purchase order of the dealer or distributor): Not more during any month than 20 percent of his total sales of such repair part during that month.

(iv) Sales for export (except to military agencies and to, or for delivery to, persons operating on foreign bases): Not more during any month than 15 percent of his total sales of such repair part during that month.

(v) Sales to persons or for purposes other than those specified in subdivisions (i) through (iv) of this paragraph (e): The remainder of his total sales during the month.

(2) (i) If at any time a producer has filled all orders that he has received in one or more of the categories of sales specified in subdivisions (ii), (iii), (iv) or (v) of paragraph (e) (1), he may fill, out of the sales quota allotted to such category or categories, purchase orders in any other of the categories of sales described in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1).

(ii) If at any time a producer has filled all orders that he has received in all of the categories of sales specified in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1), he may fill, out of the sales quota allotted to any of those categories, purchase orders in the category of sales described in subdivision (i) of paragraph (e) (1).

(iii) If at any time a producer has filled all orders that he has received in the category of sales specified in subdivision (i) of paragraph (e) (1), he may fill, out of the sales quota allotted to that category, orders in any of the categories of sales described in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1).

(3) Each producer shall fill purchase orders within each of the categories of sales specified in subdivisions (ii), (iii), (iv) and (v) of paragraph (e) (1) above in the order in which they were received by him.

(4) No producer shall fill any purchase order for a repair part which does not contain the statements specified in paragraph (d) (1) of this order so long as he has on hand unfilled orders for that repair part which do contain such statements.

(f) *Filling orders upon specific direction of the War Production Board.* Notwithstanding the provisions of paragraphs (d) and (e) of this order, a producer or a domestic dealer or distributor shall, upon the specific direction of the War Production Board make delivery of any repair part to fill any order specified in such direction, provided that nothing in this paragraph (f) shall authorize the War Production Board to reduce a producer's sales of any repair part to the military agencies, during any month, below 40 percent of such producer's total sales of such repair part during that month.

(g) *Applicability of priorities regulations.* (1) The provisions of § 944.2 through and including § 944.9 of Priorities Regulation No. 1, as amended, shall not be applicable to any purchase order for track-laying tractor repair parts placed with a producer or domestic or export dealer or distributor.

(2) Except as provided in paragraph (g) (1) hereof, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, purchase orders and certificates of minimum requirements pursuant to which they have sold repair parts.

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

(j) *Reports.* Any person affected by this order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942. (The uses of Form WPB-1319 or Form PD-556 and the certificate of minimum requirements in this order have been approved by the Bureau of the Budget.)

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

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

(m) *Communications.* All reports to be filed, appeals and other communications concerning this order shall be addressed to War Production Board, Construction Machinery Division, Washington 25, D. C., Ref.: L-53-b, except as otherwise specifically provided in paragraph (c) (5) of this order.

(n) *Effective date.* This order shall become effective June 27, 1943.

Issued this 16th day of February 1944.

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

NOTE: Appendix A deleted Feb. 16, 1944.
[F. R. Doc. 44-2261; Filed, February 16, 1944;
11:17 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT¹

[Limitation Order L-112 as Amended, Feb. 16, 1944]

INDUSTRIAL POWER TRUCKS

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

§ 1226.117¹ *General Limitation Order L-112—(a) Definitions.* For the purpose of this order:

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

(2) "Industrial power truck" means any self-power-propelled industrial truck or wheel tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, airports or depots. The term shall not include automotive tractors, trucks, or wheeltypes industrial tractors designed for use on tax-built highways, or in such operations as construction, earth-moving, mining, logging, industrial yard work, or petroleum development.

(3) "Manufacturer" means any person who manufactures, fabricates or assembles new industrial power trucks, and includes any sales and distribution outlets of a manufacturer.

(4) "Parts producer" means any person, other than a manufacturer, who manufactures parts to be incorporated in industrial power trucks.

(5) "Standard model" as applied to a manufacturer, means one model only of each type and capacity of industrial power truck listed in List A attached hereto, described in such manufacturer's catalogue or bulletin on July 10, 1942.

(6) "Approved standard model" means a standard model listed hereafter and from time to time by supplementary order or orders, as provided in paragraph (d) (2).

(7) "New", when applied to any industrial power truck, means any truck which has never been sold to a person acquiring the same for use. "Used" means any such truck which has been sold to a person acquiring the same for use, whether or not such truck has subsequently been reconditioned or rebuilt.

(8) "Dealer" means any person, other than a manufacturer, engaged in the business of selling or distributing new or used industrial power trucks, whether at wholesale, retail, or otherwise.

(9) "Owner" means any person (including a manufacturer or dealer) who owns any industrial power truck, regardless of whether such truck was acquired for resale or for use by such person.

¹ Formerly Part 1210, § 1210.1.

(b) *Restrictions on orders and deliveries*—(1) *New trucks.* (i) No manufacturer shall accept any order for a new industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) No manufacturer shall hereafter deliver any new industrial power truck, except in fulfillment of an order (a) accepted before October 15, 1942, and rated A-9 or better on Form WPB-541 (formerly PD-1A) or WPB-542 (formerly PD-3A or on a form in the WPB-837 (formerly PD-408), or (b) accepted on or after October 15, 1942, and accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(2) *Used trucks.* (i) On and after July 20, 1943 no manufacturer, dealer or owner shall accept any order for a used industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) On and after July 20, 1943, no manufacturer, dealer or owner shall deliver any used industrial power truck, except in fulfillment of an order accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

(iii) Any manufacturer, dealer or owner specified as a supplier in the authorization for a used truck shall accept any order placed with him for such truck (if the order is accompanied by the authorization), as if such order bore a preference rating, unless he is permitted to, and does, reject the same under the provisions of Priorities Regulation No. 1, § 944.2. However, nothing herein shall require the sale of any used industrial power truck by any person who acquired and holds such truck for his own use and not for resale.

(iv) The restrictions contained in (i), (ii), and (iii) of this paragraph (b) (2) shall not apply to deliveries of used industrial power trucks made by one branch, division, or section of a single enterprise to another branch, division, or section of the same enterprise under common ownership where no transfer of title or ownership of such trucks is involved, or to deliveries of any used industrial power trucks owned by the Army, Navy, Maritime Commission or War Shipping Administration, from one department to another within any such agency, or from any of such agencies to any other of such agencies.

(3) *Authorizations.* Application for authorization of the War Production Board required by paragraph (b) (1) and (2) shall be made by the purchaser on Form WPB-1319 prepared in accordance with the instructions for such form. The War Production Board may grant such application unconditionally or upon specified conditions, including the requirement that the order be placed with

a supplier named by the War Production Board, or that the order shall only cover such model, type or size of truck as may be designated by such Board.

(c) *Conservation of material*—(1) *Restrictions upon use of copper.* Parts producers and manufacturers shall be governed by the provisions of paragraph (b) of Limitation Order L-106, (§ 933.9) as amended, in their use of copper products or copper base alloy products (as defined in that order) in the production of parts for industrial power trucks.

(2) No manufacturer shall begin the manufacture of any industrial power truck if such truck contains any of the following materials, or accept delivery of any of the following materials for use in the manufacture of any industrial power truck:

(i) Rubber in any form, except in tires, storage batteries, radiator hose or wire or cable insulation.

(ii) Protective plating in any form, except when necessary to the operation of functional parts.

(iii) Steel plate, where substitution of a less critical material is practicable.

(iv) Lead for counter weights, except that reclaimed lead may be used when required by space limitations.

(v) Steel battery trays, where steel battery boxes are provided.

Provided, however, That the restrictions of this subparagraph (2) shall not apply to parts in the manufacturer's stock which, as of July 10, 1942, were completed, or processed to the point where other use is impracticable: *And provided further,* That the restrictions of this subparagraph (2) shall not apply to the manufacture or delivery of repair and maintenance parts.

(3) *Other regulations.* Nothing in this paragraph (c) shall be construed to permit any manufacturer to sell, deliver or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts or finished parts or products in contravention of the terms of any regulation or order of the War Production Board.

(d) *Standardization of models.* (1) No manufacturer shall after July 10, 1942 begin the manufacture of any industrial power truck which is not a standard model. The design and structure of any standard model shall be only as specified or described in such manufacturer's catalogue or bulletin; except that electric fork trucks with capacities from 2,000 pounds to 6,000 pounds may be built in both center and end control types; and that alterations may be made in counter weights, die pullers (power winch), height of lift, voltage, battery capacity, explosion or fire prevention features, and the length or width or type of fork or ram: *Provided, however,* That nothing herein shall be construed to prevent any change required by the limitations of paragraphs (c) (1) and (c) (2) hereof, or any change which results in further conservation of critical materials.

(2) On and after August 15, 1942, no manufacturer shall begin the manufacture of any standard model which is not an approved standard model. Approved

standard models for each manufacturer shall be only those industrial power trucks listed hereafter and from time to time by order or orders supplementary to this order. The provisions of paragraph (d) (1) hereof relative to changes in design and structure shall be applicable to approved standard models.

(3) On or before the 15th day of October and of each succeeding calendar month, every manufacturer shall file with the War Production Board a report on Form WPB-1262 (formerly PD-385), which shall include (i) such manufacturer's proposed production schedules so far as then planned, but in any event, for not less than the three calendar months following the filing of the report; and (ii) his proposed delivery schedules so far as then planned, but in any event for not less than the one calendar month following such filing. The production schedules for the three calendar months, and the delivery schedules for the one calendar month following the filing of the report shall be deemed to be approved by the War Production Board upon the receipt of the report by the War Production Board, unless the War Production Board shall otherwise direct. The War Production Board may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any industrial power truck so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any industrial power truck except in accordance with schedules approved or prescribed by the War Production Board, as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(e) *Ninety-day exemption of Army, Navy and Maritime Commission.* Until ninety days after July 10, 1942, this order shall not apply to deliveries to and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that industrial power trucks of a design or structure prohibited by the terms of this order are required by any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration. As used in this paragraph, the terms "Army," "Navy," "Maritime Commission," and "War Shipping Administration" shall not include any privately operated plant or shipyard, financed or controlled by any of those agencies, or operated on a cost-plus-fixed-fee basis.

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

(2) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after July 10, 1942. No person shall be held liable for damages or penalties for default, under any contract or order, which shall result directly or indirectly from his compliance with the terms of this order.

(3) [Revoked July 10, 1943.]

(4) [Revoked July 10, 1943.]

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

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

(7) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C.; Ref.: L-112.

Issued this 16th day of February 1944.

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

LIST A

No lift, high platform.	1,000 lbs. to 20,000 lbs.
No lift, low platform.	1,000 lbs. to 20,000 lbs.
Low lift, high platform.	2,000 lbs. to 20,000 lbs.
Low lift, low platform.	2,000 lbs. to 20,000 lbs.
High lift, low platform.	2,000 lbs. to 10,000 lbs.
Fork or ram.	2,000 lbs. to 60,000 lbs.
Crane.	2,000 lbs. to 20,000 lbs.
Tractor.	1,500 lbs. to 6,000 lbs.
Motorized low lift.	2,000 lbs. to 6,000 lbs.
Straddle trucks.	10,000 lbs. to 30,000 lbs.

* Max. D.B.P.

[F. R. Doc. 44-2265; Filed, February 16, 1944;
11:17 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-298 as Amended
Feb. 16, 1944]

RESISTANCE WELDING EQUIPMENT

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

§ 1226.107 *General Limitation Order L-298—(a) Definitions.* For the purpose of this order:

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

(2) "Resistance welding" means that process for the localized consolidation or joining of metals under pressure and heat, wherein the heat is generated within the metallic parts to be consolidated or joined by the resistance of those parts to the passage of an electric current.

(3) "Resistance welding equipment" means equipment manufactured for use in the operation of joining metals by the resistance welding process and includes resistance welding machines, resistance welding controls, and resistance welding electrodes.

(4) "Manufacturer" means any person engaged in the business of producing, fabricating or assembling resistance welding equipment, and shall include sales and distribution outlets owned by any such person.

(5) "Dealer" means any person engaged in the business of purchasing resistance welding equipment for resale.

(6) "Order" means any commitment or other arrangement for the delivery of resistance welding equipment whether by purchase, lease, rental or otherwise.

(7) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies or operated on a cost-plus-fixed-fee basis.

(8) "Used resistance welding equipment" means resistance welding equipment that has been delivered to an ultimate consumer.

(b) *Operations reports.* Each manufacturer shall, on or before the 15th day of each month, commencing with the month of August, 1943, file with the War Production Board an operations report on Form WPB-2830, showing orders for new and rebuilt resistance welding equipment and repair parts unfilled, received, shipped and cancelled during the preceding month, in accordance with instructions accompanying the form: *Provided*, That this paragraph (b) shall not apply to orders for electrical circuit breakers or indicating or recording apparatus used with resistance welding equipment, or repair parts for such circuit breakers or indicating or recording apparatus.

(c) *Authorization of purchase orders required.* (1) On and after July 27, 1943, no manufacturer or dealer shall accept an order for, or deliver any new resistance welding equipment unless the order or delivery is specifically authorized by the War Production Board on Form WPB-1319. Application for an authorization, and for a preference rating if none has been previously assigned, is to be made by the purchaser by filing Form WPB-1319, with the War Production Board as explained in the instructions which accompany the form. The delivery restrictions of this paragraph (c) (1) do not apply to orders received prior to July 27, 1943.

(2) The provisions of paragraph (c) (1) shall not apply to (i) any order of \$200 or less for resistance welding equipment; (ii) any order for resistance welding electrodes; (iii) any order for resistance welding equipment for direct use by the Army, Navy, Maritime Commission or War Shipping Administration or for incorporation in or attachment to any resistance welding equipment to be used directly by such agencies; (iv) any order bearing a preference rating assigned under Preference Rating Order P-19-h; *Provided That*, notwithstanding paragraph (g) (4) of Priorities Regulation 3, the certificate applying or extending such rating shall state the source of the rating; or (v) any order placed by a manufacturer of, or dealer in, resistance welding equipment.

(d) *Registration of idle equipment.* On receipt of a specific request by the War Production Board, the owner of any idle used resistance welding equipment shall register it by filing with the War Production Board Form WPB-2732, in accordance with instructions which accompany the request.

(e) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise expressly provided herein.

(2) *Reporting provisions.* The reporting requirements of paragraphs (b) and (d) and the form of application prescribed in paragraph (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref.: L-298.

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2273; Filed, February 16, 1944;
11:19 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-332]

CONTAINER MACHINERY

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

§ 1226.135 *General Limitation Order L-332*—(a) *What this order does.* This order restricts deliveries of new, used, and reconditioned container machinery; it does not restrict deliveries of repair parts. The order requires manufacturers to file monthly operations reports.

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

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

(2) "Container machinery" means all new, used, and reconditioned machinery and equipment of the types listed in Schedule A of this order having a retail sales value of \$500 or more (unless otherwise indicated).

(3) "Manufacturer" means any person engaged in the fabrication, assembly, reconditioning or rebuilding of container machinery.

(4) "Dealer" means any person engaged in the business of purchasing container machinery for resale.

(5) "Order" includes any arrangement for the delivery of container machinery or equipment, whether by purchase and sale, lease, rental or otherwise.

(c) *Restrictions on sales and deliveries.* After March 1, 1944, no person shall place an order for container machinery and no person shall accept such an order or deliver container machinery to fill an order received after March 1, 1944, unless the order bears a rating of AA-5 or higher. Machinery described as packaging and labeling machinery in List A of Order L-83 must not be delivered on orders accepted prior to March 1, 1944, unless the orders were accepted in accordance with Order L-83.

(d) *Exemptions.* The limitations and restrictions of paragraph (c) shall not apply to the following transactions:

(1) The renewal of a lease for any container machinery if the original lease or any prior renewal was approved in accordance with this order (or Order L-83) and the machinery is still being used for the purpose approved.

(2) Any order for container machinery for the direct use of the Army, Navy, Maritime Commission or War Shipping Administration.

(3) The seizure of container machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sales agreement, chattel mortgage, pledge, or other security agreement; and

the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(4) The transfer of container machinery (but not subsequent disposition thereof) by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(5) The transfer of container machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(6) The transfer of container machinery, within a plant, or within a single corporate enterprise from one plant or branch to another: *Provided, however,* That nothing in this subparagraph (6) shall be construed to permit transfers from a portion of an enterprise manufacturing, building or assembling new machinery to a portion using it.

(7) The transfer of container machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(8) Transfers of used container machinery to dealers.

(9) The delivery of container machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed three months pending the repair of the damaged machine.

(10) The transfer of container machinery to be scrapped for its material content.

(11) The unloading, from a vessel, of any imported container machinery.

(12) The transfer of any interest in any written instrument evidencing an interest in container machinery: *Provided, however,* That nothing in this subparagraph (12) shall be construed to permit the physical delivery or use of container machinery.

(13) The return of any leased container machinery by the lessee to the lessor upon the expiration, termination, or cancellation of the lease.

(e) *Operations reports.* Each manufacturer shall, on or before the 10th day of each month, commencing with March, 1944, file with the War Production Board an operations report on Form WPB-3551, in accordance with the instructions accompanying the form.

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

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment.

In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter must be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(4) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref. L-332.

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

Issued this 16th day of February 1944.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

SCHEDULE A

I. The following machinery and equipment are covered by this order, except as indicated below:

1. Bag making machinery and equipment, excluding textile bag forming and stitching machines.

2. Metal can and drum making machinery and equipment, including, but not limited to, sheet metal feeders, coaters and baking ovens.

3. Metal can and drum cleaning and reconditioning equipment.

4. Paper can, tube, box and carton making machinery.

5. Glass jar and bottle making machinery and equipment.

6. Metal cap and crown making machinery and equipment, including, but not limited to, sheet metal feeders, coaters and baking ovens.

7. Packaging machinery and equipment, including, but not limited to, fillers, labelers, wrappers, strappers, tying machines, case sealing machines, staplers and heavy duty stitchers for large or heavy cartons.

8. Screw capping machines.

9. Can, jar and bottle capping, closing and sealing machinery and equipment (other than screw capping machines) having a retail sales value of \$25 or more inclusive of motors.

II. The following machinery and equipment are specifically excluded from the provisions of this order:

1. Filling, labeling, washing and casing machinery used in canning, freezing and fresh packing of meats, fruits, vegetables and fishery products (as covered in Order L-292).

2. Bottling, bottle capping, bottle labeling and bottle washing machinery used for dairy products, brewery and winery products or non-alcoholic beverages (as covered in Order L-292).

3. Wrapping machinery used for bakery, dairy or tobacco products (as covered in Order L-292).

4. Wood container manufacturing machinery (as covered in Order L-311).

5. Graphic arts machinery (as defined in Order L-226).

[F. R. Doc. 44-2274; Filed, February 16, 1944; 11:19 a. m.]

PART 3133—PRINTING AND PUBLISHING
[Limitation Order L-226 as Amended Feb.
16, 1944]

PRINTING AND PUBLISHING MACHINERY,
PARTS AND SUPPLIES

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel, iron, steel, manpower, transportation, and electrical energy required for the production of graphic arts machinery, operating supplies, and replacement parts therefor for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.1 *Limitation Order L-226—(a) Protection of production schedules.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, except that notwithstanding Priorities Regulation 1 producers of operating supplies and replacement parts, to the extent provided for in paragraphs (d) and (e) of this order, may on and after January 1, 1943, schedule their production of such operating supplies and replacement parts as if the orders therefor bore a rating of AA-1.

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

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

(2) "Graphic arts machinery" means any piece of new, used or reconditioned machinery or equipment designed for use in the production of printed matter, including but not limited to the kinds listed on Schedule A.

(3) "Operating supplies" means small pieces of equipment not normally considered capital items peculiar to and used exclusively in the graphic arts industry including but not limited to the kinds listed on Schedule B.

(4) "Replacement parts" means parts used for the repair or maintenance of the machinery listed in paragraph (b) (2) hereof.

(5) "Producer" means any person engaged in whole or in part in the manufacture of new graphic arts machinery, operating supplies, or replacement parts as defined in paragraphs (b) (2), (3) and (4) above.

(6) "Inventory" means any stock of operating supplies or replacement parts as defined in paragraphs (b) (3) and (4), on hand, or consignment, or held for the account of the owner thereof in any other name, manner or place.

(7) "Order" means any commitment or other arrangement for the production or delivery of graphic arts machinery.

(8) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned graphic arts machinery, operating supplies, or replacement parts for resale or lease.

(9) "Approved order" means any order for graphic arts machinery approved by the War Production Board as provided in paragraph (g) hereof.

(10) "Printed matter" shall include any paper (or any paperlike substance), wood, fabric, metal or other material upon which there has been printed, impressed or otherwise transferred any ink, color, pigment, mark, character or delineation by the letter press, lithographic or gravure processes or any modifications thereof.

Definitions in paragraphs (2), (3), (4) and (10) of this paragraph shall not be deemed to include any office machinery and collateral equipment as listed in General Limitation Order L-54-c, as Amended, operating supplies and replacement parts for same, and the material produced by same.

(c) *Restrictions on acceptance of orders for production and delivery of graphic arts machinery.* (1) On and after January 30, 1943, no person shall:

(i) Produce any graphic arts machinery, except for the use of the Armed Forces outside of the U. S., its territories or possessions or on shipboard and then only upon an approved order to deliver or accept delivery;

(ii) Deliver or accept delivery of any graphic arts machinery unless such delivery is upon an approved order except as provided in paragraph (c) (3) hereof.

(2) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used graphic arts machinery at auction, at sheriff's sales, at tax sales, in liquidations of all or part of the business, and in similar transactions must be approved orders unless such dispositions are made within the limits specified in paragraph (c) (3) (v).

(3) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of graphic arts machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of graphic arts machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The delivery or acquisition of graphic arts machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(v) Deliveries to, and acquisitions by distributors of used graphic arts machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(vi) The delivery of graphic arts machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed ninety (90) days, pending the repair of the damaged machine.

(vii) The delivery and acquisition of graphic arts machinery for scrap.

(viii) The unloading, from a vessel, of any imported graphic arts machinery.

(ix) The transfer of any interest, in any written instrument evidencing an interest in graphic arts machinery: *Provided, however,* That nothing in this subparagraph (ix) shall be construed to permit the physical delivery or use of such graphic arts machinery.

(x) The delivery, acquisition and production of graphic arts machinery, the delivery and acquisition of which has been approved prior to January 4, 1943, under General Conservation Order L-83 on Form WPB-541 (formerly PD-1A) carrying a preference rating of A-9 or higher.

(xi) The delivery and acquisition of graphic arts machinery approved on Form WPB-617 (formerly PD-200).

(xii) The delivery and acquisition of graphic arts machinery which was delivered to the original user prior to May 1, 1937.

(xiii) The delivery and acquisition of a single piece of graphic arts machinery having a sales value of \$25 or less.

(d) *Restrictions on the production of operating supplies used in the graphic arts processes.* During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of operating supplies used in the graphic arts industry shall limit his production of such supplies to a quantity having a sales value of not more than 18% of the combined sales value of such supplies sold by him during 1941 and shall limit his inventory of such supplies to a quantity having a sales value of not more than 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter.

In the event that a producer's inventory of operating supplies is or should at any time become in excess of 133% of the combined sales value of such supplies sold by him during the preceding calendar quarter, he shall limit his production of such supplies to a quantity having a sales value of not more than 6% of the combined sales value of such supplies sold by him during 1941.

(e) *Restrictions on the production of replacement parts.* During the first calendar quarter of 1943 or any calendar quarter thereafter, a producer of replacement parts used in the graphic arts industry shall limit his production of such parts to a quantity having a sales value of not more than 30% of the combined sales value of such parts sold by him during 1941 and shall limit his inventory of such parts to a quantity having a sales value of not more than 133% of the combined sales value of

such parts sold by him during the preceding calendar quarter.

In the event that a producer's inventory of replacement parts is or should at any time become in excess of 133% of the combined sales value of such parts sold by him during the preceding calendar quarter, he shall limit his production of such parts to a quantity having a sales value of not more than 18% of the combined sales value of such parts sold by him during 1941.

(f) *Restrictions on sale of operating supplies and replacement parts to consumers.* (1) On and after January 4, 1943, no producer or distributor shall sell or deliver any operating supply or replacement part to a consumer who fails within 30 days after receipt of a supply or part ordered on or after January 4, 1943, to deliver to said producer or distributor a used part of similar kind or size for each new replacement part or operating supply delivered to the consumer.

(2) Excluded from the provisions of paragraph (f) (1) are sales of operating supplies and replacement parts to:

(i) A consumer who, on and after February 15, 1943, certifies concurrently with the placing of the order for said supplies or parts that within 30 days after their receipt he will dispose through scrap channels of a used part of similar kind and size for each new replacement part or operating supply delivered to him;

(ii) Any corporate, administrative or other division or agency of the United States or of any state or territory of the United States which is forbidden by law from making such disposal of replacement parts or operating supplies;

(iii) The Army, Navy, Maritime Commission, War Shipping Administration or consumers outside of the continental United States;

(iv) A distributor or other producer for resale only in that form.

(g) *Requirements for obtaining an approved order.* Any person seeking an approved order for graphic arts machinery shall file Form WPB-1319 in quadruplicate with the Printing and Publishing Division, War Production Board, Washington 25, D. C., in accordance with current instructions for such form.

(1) Is the machinery an expansion of existing facilities or a replacement, and if the latter, what disposition will be made of the existing machinery?

(2) Does the applicant have in use any machinery similar to that for which application is made?

(3) How does the applicant now accomplish the work for which is required the machinery applied for?

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

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

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or fur-

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

(k) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the Printing and Publishing Division, War Production Board, Washington 25, D. C.

(l) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-226.

Issued this 16th day of February 1944.

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

SCHEDULE A

MACHINE COMPOSITION

Automatic metal feeders.
Band saws.
Broaching machines.
Buffer and polishers.
Composing room saw trimmers.
Line typesetting machines.
Line composing machine magazines.
Lino-saws.
Material makers.
Plunger cleaners.
Remelt furnaces and molds.
Rule casters.
Space band cleaners.
Single character type composing machines.
Single character type casting machines.
Typesetting and type casting machine matrices of a face not offered for sale by the manufacturer prior to January 1, 1943.

HAND COMPOSITION

Cabinets, type, storage, galley.
Composing frames.
Dead metal frames.
Foundry type of a face not offered for sale by the foundry prior to January 1, 1943.
Imposing tables or stones.
Line-up and register tables and devices.
Make-up frames.
Metal saws and trimmers.
Mitering machines.
Page make-up gauges.
Plate mounting (patent) bases.
Slug and rule cutters.
Trucks, galley, form, dead-metal.

PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE PLATE MAKING

Arc lamps.
Ben Day machines.
Cameras and lenses.
Etching machines, baths and tanks.
Halftone screens.
Monel silver baths.
Monel evaporating dishes.
Nailing machines.
Planing machines.
Plate coating machines.
Plate graining machines.
Plate routers.
Plate beveler and trimmer.
Plate dryers.
Projectors.
Photo-composing machines.
Registering devices.
Vacuum backs for cameras.
Vacuum frames.

ELECTROTYPE, STEREOTYPE RUBBER AND PLASTIC PLATE MAKING

Casting boxes.
Cooling tables.
Electrolytic baths and tanks.
Jig saws.
Mat formers, scorers and rollers.
Molding presses.
Plate curving machines.
Routing machines.
Rubber plate depth gauges.
Ruling moldings.
Saws and trimmers.
Shaving and planing machines.

PRESSES

Automatic press feeders and deliveries.
Auxiliary ink distributors.
Bronzing machines.
Cutting and creasing presses.
Drying racks.
Hand and automatic sheet and web-fed platen presses.
Hand and automatic fed flat-bed cylinder presses.
Hand and automatic fed flat-bed gravure presses.
Hand and automatic fed plate engraving presses.
Ink agitators.
Numbering machines.
Paper seasoners.
Proof presses.
Roller washing devices.
Scoring and perforating attachments.
Sheet and web-fed rotary letter presses.
Sheet and web-fed offset or direct lithograph presses.
Sheet and web-fed rotary gravure presses.
Sheet heaters, static eliminators and ink dryers.
Thermographic presses.
Transfer presses.
Varnishing machines.
Vibrating rollers.
Web-pasters.
Web-tension devices.
Web-slitting and re-winding machines.

BINDERY

Automatic feeders for folding machines.
Automatic and hand-fed trimmers.
Automatic feeders for board cutters.
Banding machines.
Bindery hand presses.
Binder's board cutters.
Binder's cloth cutters.
Book presses (drying; clamp units, power or hand).
Book sawing machines.
Case making machines.
Casing-in machines.
Cover shaping and bending machines.
Color spraying hoods and machines.
Cover spraying machines.
Corner cutting racks.
Eyeletting machines.
Forwarding machines (backers, liners, and headbanders).
Guillotine cutting machines, power and hand lever.
Gathering and inserting machines.
Gilding presses, screw type.
Gold and foil cover cleaning machines.
Hand and automatic fed folding machines.
Headband forming machines.
Lettering presses.
Marbling troughs and clamps.
Mechanical binding machines.
Nipping machines.
Paper ruling machines.
Perforating machines.
Pamphlet covering machines.
Round cornering, punching, drilling and indexing machines.
Rounding and backing machines.
Rough-edging machines.
Round corner turn-in machines.
Sanding machines (edges).
Stripping machines.

Type of scheduled products M-293		Designation	Applicable forms column 1		
			1	2	3
Smashing machines. Stamping, embossing and brass die-cutting and sinking machines and presses. Suppling and graining machines. Signature bundling presses (hand and power). Skiving or paring machines. Thread stitching machines, hand and automatic feed. Thread sewing machines. Tipping, pasting and gluing machines. Wire stitching machines.	PLATE BOOKS. Quilins and keys. PHOTOENGRAVING, LITHOGRAPHIC AND GRAVURE Presses Routing bits. Press fountain dividers. Cylinder jackets for cutting and creasing presses. Doctor blades (gravure). Gauge pins.				
SCHEDULE B					
MACHINE COMPOSITION					
Go No-go type high gauges. Space bands. Typesetting and type casting machine matrices.					
HAND COMPOSITION					
Chases. Composing sticks. Imposing furniture. Line gauges.					
PART 3208—SCHEDULED PRODUCTS [General Scheduling Order M-293, Table 9 as Amended Feb. 16, 1944]					
RADIO AND RADAR DIVISION					
§ 3208.10 Table for Radio and Radar Division. (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:					
NOTE: Item 3a., b., and c. were amended Feb. 16, 1944.					
Type of scheduled products M-293		Designation	Applicable forms column 1		
			1	2	3
1. Capacitors (fixed). a. Ceramic capacitors. b. Electrolytic capacitors. c. Mica capacitors. d. Paper capacitors. e. Capacitors for power factor correction (rated in K. V. A.).			3002 17		
2. Coaxial cable radio frequency a. Solid-dielectric synthetic insulation. b. Solid-dielectric synthetic insulation. c. Gases, air, oil-filled lines.			3002 16	2809	
3. Industrial type valves. a. Control valves (Purchase orders of \$5,000 or more). b. Liquid level controllers (Purchase orders of \$5,000 or more). c. Control valves and liquid level controller combined. (Purchase orders of \$5,000 or more). d. A person shall not subdivide his purchase orders or requirements for the purpose of avoidance of the provisions of 3a, 3b, and 3c, above.			3002 40	1319	
			3002 40	1319	
			3002 40	1319	
d. Pyrometers. e. Regulators. f. Pressure instruments: Recording and controlling pressure instruments. g. Temperature tube system instruments. h. Flow metering instruments. i. Industrial thermometers. j. Combustion control equipment. k. Strainers (as manufactured only by industrial instrument producers). l. Liquid level mechanisms.			3002 40		
			3002 40		
A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003, 3401, or on the form shown in Column 2. A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization.					

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Type of scheduled products M-233		Applicable forms column		
Designation		1	2	3
1. Testers:				
A. Vacuum tube voltmeters, electronic Volt-Ohmmeters, and Volt-Ohm-Milliammeters (all models)				
Hewlett-Packard Company: Model 600-A	XY	3002 21	3001 21	3243
Ballantine Laboratories, Inc.: Model 500-A	XY	3002 21	3001 21	3243
General Radio Company: Model 720-A	XY	3002 21	3001 21	3243
Hickok Electrical Inst. Co.: Model 302	XY	3002 21	3001 21	3243
Radio City Products: Model 602	XY	3002 21	3001 21	3243
Radio City Products Model 604	XY	3002 21	3001 21	3243
Precision Apparatus Company: Model EV-10	XY	3002 21	3001 21	3243
Model 1-107	XY	3002 21	3001 21	3243
RCA Victor Division of RCA: Model 165-A	XY	3002 21	3001 21	3243
All other models—Purchase orders for 5 or more units	Y	3002 21	3001 21	3243
B. High sensitivity (20,000 ohms per volt and over, not electronic) (Volt-Ohmmeters and Volt-Ohm-Milliammeters, including instruments with decibel and capacity ranges)				
Triplet Electrical Inst. Co.: Model 1200-F	XY	3002 21	3001 21	3243
Model 1200-E	XY	3002 21	3001 21	3243
Model 1600-E	XY	3002 21	3001 21	3243
Western Electrical Inst. Corp.: Model 772	XY	3002 21	3001 21	3243
Model 785 (All types)	XY	3002 21	3001 21	3243
Simpson Electric Co. Model 290	XY	3002 21	3001 21	3243
Precision Apparatus Company Model 530	XY	3002 21	3001 21	3243
Supreme Instruments, Inc.: Model 592	XY	3002 21	3001 21	3243
Radio City Products Model 461	XY	3002 21	3001 21	3243
All other models—Purchase orders for 5 or more units	Y	3002 21	3001 21	3243
C. Medium sensitivity (1,000 to 10,000 ohms per volt sensitivity) Volt-Ohmmeter, volt-Ohm-Milliammeters, including instruments with decibel and capacity ranges				
Simpson Manufacturing Company Model 215	XY	3002 21	3001 21	3243
Triplet Electrical Inst. Co. Model 351	XY	3002 21	3001 21	3243
Supreme Instruments, Inc. Model 542	XY	3002 21	3001 21	3243
Triplet Electrical Inst. Co. Model 600-B	XY	3002 21	3001 21	3243
All other models—Purchase orders for 5 or more units	Y	3002 21	3001 21	3243
D. Low sensitivity (below 5,000 ohms per volt sensitivity) Volt-Ohmmeter, Volt-Ohm-Milliammeter including instruments with decibel and capacity ranges				
Clough-Bronle Company: Model OAE (285)	XY	3002 21	3001 21	3243
Western Electrical Instrument Corp.: Model 504	XY	3002 21	3001 21	3243
Model 695	XY	3002 21	3001 21	3243
Model 697	XY	3002 21	3001 21	3243
Triplet Electrical Inst. Co.: Model 666	XY	3002 21	3001 21	3243
Model 660H	XY	3002 21	3001 21	3243
Model 1200A	XY	3002 21	3001 21	3243
Supreme Instruments, Inc.: Model 537	XY	3002 21	3001 21	3243
Model 543	XY	3002 21	3001 21	3243
Model 548-S (TF-50)	XY	3002 21	3001 21	3243
Precision Apparatus Company: Model 844	XY	3002 21	3001 21	3243
Simpson Electric Company: Model 290	XY	3002 21	3001 21	3243
Model 240	XY	3002 21	3001 21	3243
Model 246	XY	3002 21	3001 21	3243
Model 324	XY	3002 21	3001 21	3243
Model 443	XY	3002 21	3001 21	3243
All other models—Purchase orders for 5 or more units	Y	3002 21	3001 21	3243
2. Tube testers (All types including combination tube and set testers)				
General Communications Company Electronic Tube Tester	XY	3002 21	3001 21	3243
Precision Apparatus Company: Model 920	XY	3002 21	3001 21	3243
Model 920	XY	3002 21	3001 21	3243
Supreme Instruments, Inc.: Model 504A	XY	3002 21	3001 21	3243
Triplet Electrical Inst. Co.: Model 1213	XY	3002 21	3001 21	3243
Model 1213	XY	3002 21	3001 21	3243
Model 1612	XY	3002 21	3001 21	3243
Model 1613	XY	3002 21	3001 21	3243

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

[F. R. Doc. 44-2275; Filed, February 16, 1944; 11:19 a. m.]

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2275; Filed, February 16, 1944; 11:19 a. m.]

Issued this 16th day of February 1944.

PART 3281—PULP AND PAPER

[General Conservation Order M-241-a as Amended Feb. 16, 1944]

CONSERVATION OF PAPER AND PAPERBOARD

§ 32

(iv) A "box" as defined in General Limitation Order L-239.

(v) A "magazine" as defined in General Limitation Order L-244.

(vi) A "book" as defined in General Limitation Order L-245.

(vii) A "greeting card" as defined in General Limitation Order L-289.

(viii) A "book match" as defined in General Limitation Order L-263.

(ix) A "paper shipping sack" as defined in General Limitation Order L-279.

(x) Fibre shipping containers, cans, drums, tubs, barrels, dividers, partitions and separators.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L-294.

(xiii) A "grocery", "variety" and "notion bag" as defined in General Limitation Order L-261.

(xiv) Looseleaf binders.

(xv) Specialty bags.

(xvi) A "flashlight" as defined in General Limitation Order L-71.

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures or assembles any converted product.

(b) *Computation of quotas for a portion of a calendar quarter.* Each converter whose quota provisions for a current calendar quarter are affected by this or any subsequent amendment to this order shall compute his permitted quota on a pro rata basis from the effective date of the order for the balance of the current calendar quarter.

(c) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture and assembly of any converted product shown on List A of this order.

(d) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.* (1) No converter shall consume in the manufacture or assembly of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (d) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (d) (1):

	Percent
(i) List B products.....	110
(ii) List C products.....	100
(iii) List D products.....	80

(3) [Deleted Oct. 5, 1943]

(e) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the final calendar quarter of 1943 or during any calendar quarter thereafter

consume in the manufacture or assembly of any converted product not named on List A, List B, List C or List D of this order, any quantity, in tons, of pulp, paper and paperboard greater than 65 percent of the tonnage consumed in the manufacture or assembly of such converted product during the corresponding calendar quarter of 1942.

(2) In the instance of any converted products not named on any of the lists of this order, the following processes and operations shall not be considered as processing:

(i) Cutting, trimming or rewinding to a different size when such is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of the order. (Example: the cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order).

(ii) Punching or corner cutting.

(iii) Super-calendering.

(iv) Laminating.

(v) Coating, friction calendering, flint glazing, plating and embossing.

(vi) Collating and binding.

(vii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed, (Examples: advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks), or when such printing is an intermediate process in the manufacture of an article or type of converted paper.

(viii) Printed wrappers (excluding gift wrappings) when printing is the only conversion operation other than cutting or trimming.

(ix) Embossing, corrugating, creping and crinkling for industrial and non-decorative uses.

(f) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (d) and (e) (1) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(g) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(h) *Inventory restrictions.* (1) No person shall knowingly deliver to any converter and no converter shall accept delivery of, any quantity of any grade of pulp, paper or paperboard if the inventory of such grade in the hands of the converter accepting delivery is, or will by virtue of such acceptance become, either

(i) In excess of two carloads, or

(ii) If in excess of two carloads, greater than 45 days' supply, on the basis of either his average rate of consuming such grade of pulp, paper or paperboard for the preceding quarter or his average rate of consuming such grade of pulp, paper or paperboard as projected for the then current quarter.

(2) After January 1, 1944, no person shall knowingly deliver to any converter and no converter shall accept delivery of, any quantity of any grade of pulp, paper or paperboard if the inventory of such grade in the hands of the converter accepting delivery is, or will by virtue of such acceptance become, either

(i) In excess of two carloads, or

(ii) If in excess of two carloads, greater than 30 days' supply, on the basis of either his average rate of consuming such grade of pulp, paper or paperboard for the preceding quarter or his average rate of consuming such grade of pulp, paper or paperboard as projected for the then current quarter.

(i) *Allocations.* The War Production Board may from time to time direct the production and delivery of specific quantities of any converted product included in this order. Such directions will be made to insure the satisfaction of war requirements both direct and indirect and essential civilian requirements and shall take precedence over any preference rating to the extent indicated by the War Production Board.

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

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

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

(m) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Paper Division, Washington 25, D. C. Ref: M-241-a.

Issued this 16th day of February 1944.

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

LIST A—UNRESTRICTED PRODUCTION

Abrasive papers
 Adding machine and business machine rolls
 Air force emergency packs
 Army ration containers
 Automotive oil cartridges
 Balloons (direct military only)
 Blankets
 Blueprints and direct line papers
 Bomb fins
 Bomb rings
 Bombs
 Building boards
 Cable insulation
 Calender rolls (for paper and other finishing machinery)
 Camouflage paper
 Caps for glass bottles and jars
 Caps, pads, cushions and guards for fruit and vegetable packing
 Carbon paper
 Charts, rolls and tape for communication and recording instruments and machines
 Cigarette paper books
 Clock backs and cases
 Clothing
 Condensers—component parts thereof
 Control knobs and dials
 Cores and core plugs
 Crepe cellulose wadding
 Dental mouth wadding
 Diaper linings
 Diaphragms—pump and carburetor
 Dust and dirt covers and seals for motors, journals, etc.
 Dust masks
 Egg case fillers and flats
 Embalming, surgical and obstetrical sheets
 Faces for gauges, clocks and weighing equipment.
 Fibre conduit and fittings
 Filters
 Flare spacers
 Friction pulleys and wheels
 Fuses and component parts thereof
 Garbage and utility cans
 Gas detection armbands and similar products
 Gas mask canisters and mask parts
 Gas protection capes, tarpaulins & similar products
 Gaskets
 Gears
 Grenades and grenade containers
 Gummed sealing and corrugated tape
 Gummed stay tape
 Gun & rifle protection sleeves
 Helmets and helmet accessories
 Hospital wadding
 Industrial receptacles such as tote boxes, cans, barrels and trucks
 Instrument panels
 Insulation boards
 Impervious papers and specialty containers made therefrom, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, U. S. Navy, U. S. Marine Corps, or the Federal Standard Stock Catalog
 Jettison tanks
 Lens tissue
 Lithomat and photomat paper
 Milk bottles, milk bottle hoods and milk bottle caps
 Mimeograph stencils
 Nuts and screws
 Paper base plastics
 Parachutes and parachute spreaders
 Photographic and photo copying papers
 Plant protectors
 Poultry incubators, brooders and feeders
 Prepared tracing
 Pressure sensitive adhesive tape.
 Plates and mats—printing, lithographic, duplicating and reproduction
 Ration bags
 Roofing, shingles and building papers (treated)
 Sanitary napkins
 Seed packets for use by original growers or packers of seed

Shell containers
 Shoes and component parts thereof
 Shotgun and ignition cartridges
 Surgical bandages
 Surgical masks and caps
 Tabulating cards
 Tags, commercial and industrial only (unprinted)
 Tank and transformer liners
 Targets
 Tea ball bags, but limited to bags for small broken leaf, fannings, siftings and dust
 Telephones, component parts of
 Textile cores, tubes and spools
 Toilet seat covers
 Twisted paper including but not limited to yarn, twine, cord, rope and strapping
 Valves
 Vegetable parchment
 Veneer tape
 V-mail blanks
 Vulcanized fibre
 Wall boards
 Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)

LIST B—PRODUCTS PERMITTED AT 110% OF 1942

Envelopes, in all styles except expansion type
 Fillers, looseleaf (except accounting)
 Household waxed paper, all styles
 Index cards, plain and ruled
 Paper stationery and papeteries
 Straws (soda and drinking)
 Tablets, pads and notebooks
 Toilet tissue, other than facial type of two ply or more
 Towels for industrial use
 Waxed and oiled paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war use as provided in List A.

LIST C—PRODUCTS PERMITTED AT 100% OF 1942

Note: "Towels * * * " deleted Feb. 16, 1944.

Artificial leather
 Buttons
 Cake boards
 Concrete forms
 Dental pinafores
 Dishes and plates
 Facial tissue
 File cabinets
 Forks and spoons
 Fruit and vegetable wrappers for apples, pears, peaches, lemons and tomatoes in the instance of original shipments
 Gummed flat paper
 Hat and cap visors
 Headrest rolls
 Jacquard cards
 Light shades and reflectors
 Lunch boxes
 Napkins, for industrial and institutional use (bulk and dispenser type)
 Napkins for home use (retail packages)
 Permanent wave pads
 Photo mailers
 Photo mounts
 Sales tax tokens
 Shirt bands
 Stereotype mats
 Tympan paper

LIST D—PRODUCTS PERMITTED AT 80% OF 1942

Barber's neck bands
 Carpets and rugs
 Expanding envelopes or pockets
 File dividers and indexes
 Fly paper
 Fly ribbons
 Folders (file)
 Games and toys of all types (except playing cards)
 Music and player piano rolls
 Slippers
 Snap, button, hook and eye and zipper cards
 Soap wraps, including all component parts thereof except wax paper

Textile boards, excluding shirt boards
 Toilet tissue, facial type of two or more ply
 Towels for home use (Retail package)
 Venetian blinds
 Vertical file pockets
 Window shades

LIST E [Deleted Oct. 5, 1943]

[F. R. Doc. 44-2257; Filed, February 16, 1944; 11:16 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-161, as Amended Feb. 16, 1944]

ELECTRIC FUSES

§ 3284.61 *General Limitation Order L-161—(a) Definitions.* For the purposes of this order:

(1) "Electric fuse" means a thermal device used in an electrical circuit to prevent the flow of electricity in excess of a specified capacity in amperes. The term does not include an electric fuse of 2300 volt size or larger, or a "circuit breaker."

(2) "Non-renewable" electric fuse means a fuse containing a fuse link which cannot readily be replaced.

(3) "Manufacturer" means any person who makes, fabricates, assembles, casts or in any way processes material for the manufacture of electric fuses.

(4) "Copper" means unalloyed copper metal.

(5) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the metal.

(b) *Restrictions on manufacture.* (1) No manufacturer may use in the manufacture, casting, processing or assembly of a non-renewable electric fuse any copper or copper base alloy except as a conductor of electric current.

(2) After April 1, 1944, no manufacturer may use in the manufacture, casting, processing or assembly of a non-renewable electric fuse any vulcanized fibre tubing. As exceptions to this rule, vulcanized fibre tubing may be used in the following types of uses:

(i) Fuses rated 61 amperes or more;

(ii) Fuses rated 600 volts or more;

(iii) Time delay non-renewable cartridge fuses;

(iv) Any fuse (other than midget type) which is manufactured to fill an order from or for the account of the Navy or from any other person for use by the Navy;

(v) Any fuse (other than midget type) which is manufactured to fill an order from any person for direct application to 440 volt A. C. circuits on vessels of the United States Maritime Commission or the War Shipping Administration.

In addition to the above exceptions, a manufacturer may use in the manufacture of fuses any vulcanized fibre tubing which he has in his inventory on April 1,

¹ Formerly Part 3008, § 3008.1.

any of the five permitted uses listed in 1944, but if such tubing is suitable for this paragraph, it must be so used.

(c) *Restrictions on sale and delivery.* No manufacturer may sell or deliver any electric fuse or any component part of an electric fuse except: (1) to fill an order carrying a rating of AA-5 or higher; (2) to another manufacturer; (3) as a replacement part (as defined in General Limitation Order L-158); or (4) to fill an order for a component part essential for repair of electronic equipment, pursuant to paragraph (b) (2) (iii) of Order L-265. This restriction applies only to manufacturers.

(d) *Applicability of regulations.* This order, and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(e) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB 147¹ 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.

(f) *Communications.* All reports and communications concerning this order shall be addressed to: War Production Board, Building Materials Division, Washington 25, D. C., Ref: L-161.

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

Issued this 16th day of February 1944.

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

INTERPRETATION 1

NOTE: Interpretation 1 superseded Dec. 17, 1943.

[F. R. Doc. 44-2269; Filed, February 16, 1944;
11:18 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT¹

[General Limitation Order L-74, as Amended
Feb. 16, 1944]

OIL BURNERS

§ 3288.71¹ *General Limitation Order L-74—(a) Definitions.* For the purpose of this order:

(1) "Oil burner" means any device which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.

¹ Formerly Part 1161, § 1161.1.

(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Replacement" means replacement of any oil burner by another oil burner.

(7) "New installation" includes an oil burner installed in a new heating plant or an oil burner installed as a conversion from any other fuel.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on producers of Class B oil burners.* No producer shall manufacture or assemble a Class B oil burner or deliver such a burner either assembled or in sets of parts except to fill an order already received, which has been approved on Form WPB-1319. He may produce or assemble such burners only to the extent necessary to fill orders on hand which he cannot fill from his inventory of completely assembled burners. Any person who wants to buy a Class B oil burner from a producer should file Form WPB-1319 in triplicate with the War Production Board, Plumbing and Heating Division, Washington 25, D. C.

(c) *Restrictions on delivery of Class B oil burners for installation; restrictions on installation.* No dealer or distributor may deliver a Class B oil burner for installation, either assembled or in sets of parts, and no person may install a Class B oil burner, except as follows:

(1) *Replacement.* A dealer may deliver any Class B oil burner from his

stock for installation as a replacement, and the installation may be made, if the owner of the premises has applied for and obtained the approval of the appropriate War Production Board District office on Form WPB 1319. The dealer may deliver and the installation may be made without advanced approval from any source, if the burner to be replaced is over ten years old, or has actually broken down and is beyond repair during the season in which it is in use. No installation may be made for replacement unless the installer arranges to have the old burner scrapped or dismantled, but this requirement does not mean that the installer is entitled to take the old burner without the owner's consent or without crediting him with its value.

(2) *New installations.* Any person may deliver a Class B burner from a dealer's inventory for a new installation if the Petroleum Administration for War has specifically approved in writing the delivery of fuel oil for a Class B oil burner on the premises in question.² The authorization of a local War Price and Rationing Board to accept delivery of fuel oil will not be sufficient.

(3) *Food processing installations.* Any person may deliver a Class B burner from a dealer's inventory for use in raising and preparing crops, poultry, livestock and other agricultural products for market.

(4) *Burners assembled in other products.* If the War Production Board has approved the delivery of a Class B oil burner on Form WPB-1319 for physical incorporation in or assembly with another product, such as a water heater, further authority is not required for delivery of the other product, but the restrictions of L-79 (prohibiting delivery except to fill a rated order) must be complied with.

(5) *Sales to dealers.* Any dealer or distributor may sell or deliver any Class B oil burner to another dealer or distributor for resale.

(6) *Overseas shipment.* Any person may deliver a Class B burner to fill a rated order for shipment to a foreign country or a territory or overseas possession of the United States.

(d) *Restrictions on sale of Class A and Class C oil burners.* On and after January 4, 1944, Class A and Class C oil burners may be delivered only on orders bearing a preference rating of AA-5 or higher. In case of a new installation in the continental United States, application for preference rating must be accompanied by copy of authorization from the Petroleum Administration for War.³

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L-74 as in force prior to June 28, 1943, may be manufac-

² Under PDO-13, as amended or supplemented from time to time. At present applications to the P. A. W. for approval are made by letter, which must be submitted in quadruplicate.

³ Under PDO-13, as amended or supplemented from time to time.

tured, fabricated, assembled and delivered.

(f) *Appeals.* Any appeals from the provisions of this order shall be filed on Form WPB-1477, formerly PD-500, with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-74.

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

(i) *Bureau of the Budget.* The Bureau of the Budget has approved the use of Form WPB-1319 and other reporting requirements of this order, in accordance with the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2262; Filed, February 16, 1944;
11:17 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT¹

[General Limitation Order L-75, as Amended
Feb. 16, 1944]

COAL STOKERS

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

§ 3288.76¹ *General Limitation Order L-75—(a) Definitions.* For the purposes of this order,

(1) "Coal stoker" means any device designed and produced for the purpose of feeding coal as a fuel to a combustion chamber; including, but not limited to, any feed screw, ram, spreader, or moving grate. Coal stokers shall not include any device designed and produced for the purpose of feeding coal as a fuel to a locomotive.

(2) "Class A coal stoker" means any coal stoker which has a grate area of 36 square feet or less, and a coal feeding capacity in excess of 60 pounds per hour. For the purpose of this paragraph, side

dump plates designed to burn coal shall be considered a part of the grate area.

(3) "Class B coal stoker" means any coal stoker which has a maximum coal feeding capacity not in excess of 60 pounds per hour.

(b) *General restrictions—(1) Restrictions on orders for Class A coal stokers.* No person shall place an order for the manufacture of a Class A coal stoker unless such order is accompanied by the authorization of the War Production Board on Form WPB-1319. Any order so authorized by the War Production Board shall be deemed a "rated order" for the purposes of § 944.2 of Priorities Regulation No. 1. Use of Form WPB-1319 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) *Restrictions on delivery.* On and after the 4th day of November, 1942, notwithstanding any contract or preference rating, no manufacturer of a Class A coal stoker shall deliver or transfer any such stoker except:

(i) In accordance with specific authorization given by the War Production Board.

(ii) Such Class A stokers as are listed as unfilled orders in the schedule required to be filed with the War Production Board by paragraph (b) (3) of this order.

The War Production Board may, in its discretion, at any time before delivery of a Class A stoker by a manufacturer, revoke or modify any authorization for the delivery of a Class A stoker granted under the provisions of this paragraph (b).

(3) *Filing of schedule of production and delivery by manufacturers of Class A coal stokers.* On the 4th day of November, 1942, each manufacturer of Class A coal stokers shall file, by registered mail, a schedule of production and delivery with the War Production Board, Plumbing and Heating Division, Washington, D. C., setting forth the following information:

All unfilled orders for Class A coal stokers received on or before the 4th day of November, 1942; a brief description of each stoker (including feeding capacity in pounds per hour and extent of completion); the schedule date of each delivery and the name and address of the person ordering each stoker, together with any preference rating applied or extended to such delivery.

No manufacturer shall change the date of any delivery as so scheduled to a later date without specific authorization from the War Production Board.

(4) *Specific exemptions.* Until the 23rd day of November, 1942, the provisions of this paragraph (b) shall not apply to any order for Class A coal stoker to be used by the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(5) *Restriction on manufacture of Class B stokers.* No person shall manufacture a Class B stoker.

(c) *Manufacture of replacement parts.* Nothing in this order shall be construed

to prohibit or restrict the manufacture of replacement parts for any type of coal stoker.

(d) *Avoidance of excessive inventories.* No person shall accumulate inventories of any materials (whether raw, semi-processed or processed) for manufacture into coal stokers in excess of the minimum amount necessary to maintain production of coal stokers to the extent permitted by this order.

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

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

(g) *Reports.* Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

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

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

(k) *Applicability of other orders.* Insofar as any other order heretofore or hereafter issued by the War Production Board, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(l) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L-75.

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2263; Filed, February 16, 1944;
11:17 a. m.]

¹ Formerly Part 1160, § 1160.1.

PART 3289—RADIO AND RADAR
[General Limitation Order L-151, as
Amended Feb. 16, 1944]

DOMESTIC WATTHOUR METERS

§ 3289.11 *General Limitation Order L-151*—(a) *Definition*. Wherever it appears in this order, the term "domestic watthour meter" is used to mean any device designed and manufactured for the purpose of measuring the consumption of electrical energy with respect to time, and includes single phase, two and three wire types, with capacities up to 25 amperes and voltages up to 240 volts, for use on alternating current of any frequency. The term does not include electric energy meters for use on direct current or on polyphase circuits, maximum demand meters, or integrating meters, calibrated in terms other than electric energy (i. e., meters integrating weight, pressure, etc.).

(b) *Prohibition of production*. No person shall manufacture or assemble any new domestic watthour meters or any new parts for the conversion of domestic watthour meters from one to another type. This order does not prohibit the use or delivery of existing parts for the conversion of domestic watthour meters from one to another type, such as the conversion of non-socket to socket type meters, three-wire to two-wire or two-wire to three-wire meters, or meters from one current rating to a higher current rating.

(c) *Restrictions on delivery*. No person shall deliver or accept delivery of any new domestic watthour meter unless it is a delivery:

(1) To or for the account of the Army, Navy, Maritime Commission or War Shipping Administration.

(2) Between persons who own or operate electric power utilities which serve the public generally.

(3) Authorized by the War Production Board on Form WPB-1319. Any prospective purchaser may apply for such an authorization by filing Form WPB-1319 in accordance with the current instructions for filing such forms. These form applications should be filed with the nearest Utility Inventory Control Office of the War Production Board, addressed to the attention of the Regional Utility Engineer. The locations of these Regional Utility Inventory Control Offices are given on List A at the end of this order. As a general rule, favorable consideration will be given to the purchase of new domestic watthour meters only where one or more of the following factors appear to establish the need for them:

(i) The meters are to measure the consumption of electric energy by individual homes in a war housing project, which cannot be metered with a master meter, and delay in obtaining individual used meters would delay the occupancy of such dwellings.

(ii) The meters are required for the replacement in service of damaged meters, and the applicant cannot obtain prompt delivery of used meters for that purpose, and does not have such meters available in his own inventory for replacements.

(iii) Special or emergency conditions require the prompt delivery of new meters.

Unless one of the above conditions exists, a prospective purchaser should obtain his requirements of domestic watthour meters from such sources of supply as the excess inventories of electric utilities, used meter dealers, and meter repair shops. Information as to excess stocks of such meters in the hands of utilities may be obtained from Regional Utility Inventory Control Offices (See List A at the end of this order).

(d) *Parts for maintenance or repair*. The provisions of paragraphs (b) and (c) of this order on production and delivery do not apply to the production or delivery of parts for the maintenance or repair of domestic watthour meters. No person, however, shall manufacture so many of such parts that his inventory thereof will at any time exceed his average monthly inventory of such parts during the calendar year 1941.

(e) *Monthly reports*. On or before the tenth day of each calendar month each manufacturer of domestic watthour meters shall file with the War Production Board a report, in duplicate, in letter form, which shall show the following information as of the first of the month:

(1) Inventory of domestic watthour meters.

(2) Deliveries of domestic watthour meters during the preceding calendar month.

(3) Unfilled orders on hand for domestic watthour meters.

(f) *Applicability of War Production Board regulations and orders*. This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board.

(g) *Violations and penalties*. Any person who wilfully violates any provision of this order, or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment; or any such person may be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(h) *Appeals from this order*. Any person may appeal for relief from any provision of this order by writing a letter which explains fully what provisions he is appealing from and why he thinks he should be relieved from those provisions. He should send this letter, with two signed copies, to the War Production Board.

(i) *Letters and reports*. Letters about this order, or reports filed under it, should be addressed to the War Production Board, Washington 25, D. C., Ref: L-151; and the reports required by paragraph (e) of the order should be addressed to the attention of the Office of War Utilities. All other letters or reports, however, should be addressed to the attention of the Radio and Radar Division. All reports and forms required by this order have been approved by the

Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

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

LIST A—ADDRESSES OF REGIONAL UTILITY INVENTORY CONTROL OFFICES

17 Court St., Boston, Mass.
350 Fifth Ave., New York, N. Y.
1617 Pennsylvania Boulevard, Philadelphia, Pa.
116 Candler Building, Atlanta, Ga.
800 First National Bank Building, Pittsburgh, Pa.
226 West Jackson Boulevard, Chicago, Ill.
Mutual Interstate Building, Kansas City, Mo.
1221 Mercantile Bank Building, Dallas, Tex.
Continental Oil Building, Denver, Colo.
1031 South Broadway, Los Angeles, Calif.
7310 Woodward Ave., Detroit, Mich.
334 Midland Bank Building, Minneapolis, Minn.
Bedell Building, Portland, Oreg.

[F. R. Doc. 44-2268; Filed, February 16, 1944;
11:18 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-98 as Amended
Feb. 16, 1944]

DOMESTIC SEWING MACHINES

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

§ 3291.280 *General Limitation Order L-98*—(a) *Definitions*. For the purposes of this order:

(1) "Domestic sewing machine" means any sewing machine designed for household use.

(2) "Attachment" means any special purpose detachable device which is designed for use with a domestic sewing machine but which is not essential to the most simplified operation of such machine.

(3) "Sewing machine part" means any part (including, but not limited to, a needle, an electric motor, a cabinet, a portable base, a cover, a table or a stand) of a domestic sewing machine, but does not include an attachment.

(4) "Attachment part" means any part of an attachment.

(5) "Repair part" means any sewing machine part used for the purpose of repairing or replacing a similar part which through wear, tear or damage has caused a domestic sewing machine to become unfit to perform its function of sewing in the most simplified manner. Repair part shall not include any attachment part.

(6) "To produce a new domestic sewing machine" means to complete the manufacturing operations on a new domestic sewing machine other than the final assembly of the machine head into a cabinet, portable base and cover, or table and stand.

(7) "Manufacturer" means any person who produces any new domestic sewing

machine or who manufactures or assembles any sewing machine part, attachment or attachment part.

(8) "Restricted period" means the period from April 25, 1942 to June 15, 1942, inclusive.

(9) "Average daily production" or "average daily manufacture" means the total production or manufacture within a specified period divided by the number of days (including Sundays and holidays) contained in such period.

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

(b) *General restrictions.* (1) During the restricted period no manufacturer shall:

(i) Produce more new domestic sewing machines than 75% of his average daily production of such new machines in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period; or

(ii) Manufacture more new attachments of any type than 75% of his average daily manufacture of new attachments of such type in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period.

(2) No manufacturer shall manufacture any new sewing machine parts except that during the year 1944 a manufacturer may produce sewing machine parts for use as repair parts under the following conditions:

(i) He may put into process in the manufacture of needles not more iron and steel than 75% of the iron and steel, by weight, contained in the needles manufactured by him during the two-year period ending December 31, 1941;

(ii) He may put into process in the manufacture of sewing machine parts (other than needles) not more iron and steel than 62½% of the iron and steel, by weight, contained in the sewing machine parts (other than needles) manufactured by him for use as repair parts during the two-year period ending December 31, 1941; and

(iii) He may not put into process any non-ferrous metal except that copper and copper base alloy may be used for the purpose of conducting electricity, provided that he does not put into process more copper and copper base alloy than 50% of the amount of copper and copper base alloy, by weight, used for the purpose of conducting electricity in the sewing machine parts produced by him for use as repair parts during the two-year period ending December 31, 1941.

(3) No manufacturer shall on and after May 25, 1942, and no person other than a manufacturer shall on and after July 15, 1942, install any new sewing machine part, other than a repair part, in a new or used domestic sewing machine, except to complete the new domestic sewing machines, the production of which is permitted under the terms of paragraph (b) (1).

(4) On and after June 16, 1942, no manufacturer shall:

(i) Produce any new domestic sewing machines or (except as provided in par-

agraph (b) (5) of this order) assemble any new sewing machine parts for the production of such machines; or

(ii) Manufacture or assemble any new attachments or new attachment parts.

(5) Nothing in the foregoing provisions shall limit the final assembly by a manufacturer or any other person of a new domestic sewing machine head into a cabinet, portable base and cover, or table and stand: *Provided*, That such head, cabinet, base and cover, or table and stand were not produced or manufactured in violation of the terms of this or of any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board.

(6) Manufacturers shall sell materials in their inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

(c) *Restrictions on transfer of domestic sewing machines.* On and after June 5, 1943, no manufacturer of domestic sewing machines shall transfer the physical possession of or title to:

(1) Any domestic sewing machines except in accordance with a letter of authorization from the War Production Board to be issued prior to June 14, 1943, which letter will permit the transfer without restriction of all domestic sewing machines other than those specified in paragraph (c) (2) below.

(2) Any domestic sewing machines which are required by the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission or for lend-lease and export purposes. The domestic sewing machines not released by the letter of authorization referred to in paragraph (c) (1) above are to be held for transfer to the persons or for the purposes specified in this paragraph (2). In order to obtain a release for any of such domestic sewing machines, a specific authorization of the War Production Board is required on Form WPB-1319 pursuant to an application filed on said Form.

(d) *Inventory restrictions.* No manufacturer shall accumulate for use in the manufacture of domestic sewing machines, attachments, or parts thereof inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of domestic sewing machines, attachments, or parts thereof at the rates permitted by this order.

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

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

(g) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as such board shall from time to time prescribe.

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

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of domestic sewing machines, attachments, sewing machine parts or attachment parts to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

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

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumer Durable Goods Division, Washington, D. C., Ref.: L-98.

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2264; Filed, February 16, 1944;
11:17 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-140-a as
Amended Feb. 16, 1944]

CUTLERY

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

§ 3291.175 *General Limitation Order L-140-a—(a) Definitions.* For the purposes of this order:

(1) "Cutlery" means any professional food processing cutlery, as defined in Schedule A, any professional kitchen cutlery, as defined in Schedule B, any household kitchen cutlery, as defined in Schedule C, any household table cutlery, as defined in Schedule D, any pocket cutlery, as defined in Schedule E, any scissors, shears and trimmers, as defined

in Schedule F, any hand hair or fetlock clippers, as defined in Schedule G, any industrial cutlery, as defined in Schedule H, and any hunting or fixed blade sheath knife, any carving sets, any poultry shears, any implement designed or intended for manicuring, for pedicuring or for extracting blackheads, including but not limited to nail files, nail nippers, nail clippers, pushers, picks, cuticle scissors, cuticle pushers, cuticle clippers and cuticle nippers, and any other hand operated, fixed or folding, cutting blade or fork with a handle or handles of any material attached so as to become an integral part of the implement. "Cutlery" shall not include any article of flatware, as defined in Order L-140-b, when issued, or any of the articles subject to Order L-30-d, as amended from time to time, or surgical instruments.

(2) "Manufacturer" means any person engaged in the business of fabricating or assembling any new cutlery from any raw material, purchased parts or previously used or fabricated material, or who performs any hand or mechanical fabricating or assembling operation on an article of cutlery.

(3) "Process" means the first change by a manufacturer in the form of material (whether raw material, semi or fully fabricated material or finished parts) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form by him. Any manufacturer who did not maintain records during the base period as to his processing of metals in terms of weight, but who maintained records in terms of units of cutlery only, may apply all percentages contained in this order and schedules in terms of units rather than in terms of weight.

(4) "Base period" means the period beginning July 1, 1940 and ending June 30, 1941, inclusive.

(5) Gauges when referred to in this order, are subject to commercial tolerances.

(b) *Restrictions on kinds of cutlery which may be manufactured.* No manufacturer shall process any metal for new cutlery which is not of a type defined in a schedule in this order.

(c) *Restrictions on quantity of cutlery produced.* No manufacturer shall process more metal in the production of any new cutlery than the amount specified for that class of cutlery in the appropriate schedule attached to this order.

(d) *Exceptions for military orders.* In addition to the production permitted by paragraph (c) above a manufacturer may process sufficient additional amounts of metal to fill purchase orders or contracts for cutlery to be delivered by him to or for the account of

(1) The War Shipping Administration,

(2) The United States Maritime Commission,

(3) The United States Navy (excluding purchase orders placed by or for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale by them within the 48 United States and the District of Columbia and not for use

as equipment). The War Production Board may specifically authorize on Form WPB-1319, pursuant to an application filed on said Form, the filling of purchase orders for cutlery for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale within but for use outside the 48 United States and the District of Columbia. Form WPB-1319 is to be filed and executed only by the Bureau of Naval Personnel, Navy Department, Washington, D. C., and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified.

(4) The United States Army (excluding purchase orders placed by or for delivery to United States Army post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB-1319, pursuant to an application filed on said form, the filling of purchase orders for cutlery for delivery to and use by post exchanges located in areas designated by the United States Army as "staging areas." Form WPB-1319 is to be filed and executed only by the Army Exchange Service of New York, and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified.

(e) *Specifications.* No manufacturer shall process any metal for the production of any new cutlery which does not conform to the specifications contained in the applicable schedules in this order except that these specifications do not apply to orders for household table cutlery, pocket cutlery and hunting or fixed blade sheath knives, or orders for other cutlery accepted by the manufacturer prior to July 1, 1943: *Provided*, That such orders are for the agencies specified above in paragraph (d).

(f) *Metal restrictions.* No manufacturer shall process any metals other than iron, carbon steel, gold and silver in the production of cutlery, except

(1) Lead for bolsters or rivets;

(2) Chromium for plating;

(3) Zinc as provided in Schedule G and H of this order subject to the restrictions contained in the M-11 series, as amended from time to time.

(g) *Hardness of knife blades and sharpening steels.* No manufacturer shall process any steel for the production of:

(1) Knife blades for cutlery which when finished tests less than 45, Rockwell C Scale;

(2) Sharpening steel which when finished tests less than 62, or more than 68, Rockwell C Scale.

(h) *Special provision affecting distribution of overruns, rejects and cancellations.* When material for the production of cutlery is obtained with priorities assistance and, because of cancellations of orders or other reasons, can no longer be used for the purpose for which the

assistance was given, such material may only be used as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1. Similarly, when such material has been manufactured into cutlery to fill a specific contract and that cutlery, because of overruns, rejects, cancellations or other reasons, cannot be used for that purpose, it may be used or disposed of only as allowed in that section. One of the ways in which these materials or products may be used or disposed of is outlined in subparagraph (5) of that paragraph, which permits use and disposal in any manner specifically authorized in writing by the War Production Board. Applications for such authorization may be made on Form WPB-1319.

(i) *Partial revocation of L-140.* On and after July 1, 1943, the restrictions contained in L-140 are hereby superseded and L-140 is hereby revoked in so far as it applies to the production of any cutlery other than silver plated flatware restricted in paragraph (b) (5) of that order.

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

(k) *Reports.* (1) Prior to July 15, 1943, every manufacturer of cutlery shall execute and file in duplicate with the War Production Board, Washington 25, D. C., Ref: L-140-a, a report as to the aggregate amount of all metals processed by that manufacturer during the base period and grouped in accordance with the classes as specified in the definitions contained in the individual schedules attached to this order. Manufacturers who compute their processing of metals in units in accordance with paragraph (a) (3) of this order may file such report in units. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington 25, D. C., Ref.: L-140-a, on or before the 10th day of July, 1943, and on or before the 10th day of each calendar month thereafter, Form WPB-1600 (formerly PD-655).

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as provided in paragraph (j) (2).

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

(n) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(o) *Communications.* All reports to be filed hereunder or communications concerning this order should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-140-a.

Issued this 16th day of February 1944.

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

SCHEDULE A—PROFESSIONAL FOOD PROCESSING CUTLERY

Definitions. "Professional food processing cutlery" means any hand operated knives, cleavers, splitters, sharpening steels, beef tiers, ham stringers, coring hooks, canning or pitting spoons, and other hand cutlery designed for, but not limited to, use in packing houses, quick-freezing plants, canneries and dehydrating plants for slaughtering, cleaning, dressing, boning and otherwise processing meats, poultry, fish, vegetables, fruits, and other food stuffs; and also hand cutlery designed for, but not limited to, use in butcher shops and provision markets for the further processing of meats and other foods.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon, and does not apply to the grind or finish of the blade or bowl, or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional food processing cutlery except that which conforms to the following specifications.

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Minimum length in inches
Butcher knife. Not lighter than .083" in thickness.	1	4	6
Steak knife (Scimitar shape)	1	2	10
Trimming or heading knife.	1	1	
Ribbing knife.	1	1	
Boning knife (Straight blade)	2	2	
Boning knife (Curved blade)	1	1	
Stickling knife.	1	1	6
Stickling knife (chicken)	1	1	
Stickling knife (turkey)	1	1	
Skinning knife.	2	1	
Pinner knife (pinfeather)	1	1	
Sharpening steel.	1	3	
Fish splitting or gutting knife.	1	1	
Fish splitting knife.	1	1	
Fish slicing knife.	1	1	
Fish fillet knife.	1	1	
Clam knife.	1	1	
Oyster knife.	2	1	
Scalloped knife.	1	1	
Sponge or fishermen's sheath knife.	1	1	
Ham stringer.	1	1	
Beef tier.	1	1	
Fruit canning knife (California type)	1	3	
Canning knife (California type)	1	1	
Tomato knife.	1	1	
Beet topping knife.	1	1	
Pitting spoon.	3	1	
Tomato spoon.	1	1	
Coring hook.	2	1	
Cleavers.	2	1	
Splitter.	2	1	

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional food processing cutlery more iron and steel in the aggregate than 225% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional food processing cutlery.

SCHEDULE B—PROFESSIONAL KITCHEN CUTLERY

Definitions. "Professional kitchen cutlery" means any hand operated knives, forks, scrapers, turners and spatulas used in the preparation of food, designed for, but not limited to, use in the bakery trade and in kitchens of hotels, restaurants, cafeterias, hospitals, institutions and other public eating places.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length," unless otherwise specified, means the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches
Butcher knife (not heavier than .072" in thickness, nor lighter than 0.65" in thickness).	1	2	8" Maximum.
Cook's knife (Sabatier shape, no heel, no bolster)	1	2	8" Minimum.
Meat slicer.	2	1	10" Minimum.
Utility slicer.	2	1	8" Maximum.
Paring knife.	2	1	5" Minimum.
Cook's fork (forged blade).	1	1	14" Maximum including handle.
Cook's fork (blacked blade, hardened and tempered).	1	1	
Spatula.	1	3	8" Minimum.
Baker's scraper (1 weight of blade only).	1	1	
Cake turner (spatula type).	1	1	
Hamburg turner (spatula type).	1	1	

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by

him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

SCHEDULE C—HOUSEHOLD KITCHEN CUTLERY

Definitions. "Household kitchen cutlery" means hand operated knives and forks used in the preparation and serving of food, and designed for use in home kitchens.

"Pattern" means the outline shape of the blade of a knife or fork. It does not apply to the grind or finish of the blade or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	Length in inches
Slicer.	2	1	9" maximum
Cook's fork (blacked blade, hardened and tempered).	1	1	10 1/2" maximum (including handle).

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household kitchen cutlery more iron and steel in the aggregate than 35% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household kitchen cutlery.

SCHEDULE D—HOUSEHOLD TABLE CUTLERY

Definitions. "Household table cutlery" means any knife, fork, spoon or any other cutlery of plated or unplated metal, with handles made of other material than metal, designed for the actual serving and eating of food in the home, other than all metal flatware.

"Pattern" means the outline shape of the blade of a knife or fork or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household table cutlery except that which conforms to the following specifications:

Description of item	Maximum No. of patterns	Maximum No. of lengths per pattern
Table knife.....	1	1
Dessert fork.....	1	1
Dessert spoon.....	1	1
Teaspoon.....	1	1

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household table cutlery more iron and steel in the aggregate than 50% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household table cutlery.

SCHEDULE E—POCKET CUTLERY

Definitions. "Pocket cutlery" means any folding blade knife.

"Pattern" means the outline shape of the skeleton or frame. It does not apply to the shape of, number of or finishes of blades, or to the type of material, finish or color of the handle.

"Length", unless otherwise specified, means the outside measurement of the skeleton or frame of the knife, subject to a tolerance (plus or minus) of 1/16th inch.

"Number of blades per knife" refers only to the number of blades which may be fastened directly or indirectly to each skeleton or frame and does not refer to the shape or finish of the blades. Different styles of blades may be mounted on the same pattern of skeleton or frame. For instance, the specifications state that not more than one blade may be fastened to each skeleton or frame of a pruning, maize or navy knife. The manufacturer may produce as many styles of blades for such pruning, maize or navy knives as he wishes, so long as each completed knife contains only a single blade, irrespective of its style.

Permissible types. No manufacturer shall process metal in the production of pocket cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	No. of blades per knife
General utility knife.....	1	1	Maximum 4.
Premium stock knife or cattle knife.....	3	1	Maximum 3.
Jackknife. No. of weights, 2.....	1	2	2 only.
Pruning, maize or navy knife.....	1	1	1 only.
Budding or grafting knife.....	1	1	1 only.
Electrician's knife.....	1	1	2 only.
Scout knife.....	1	1	4 only.
Self opening knife.....	1	2	1 only.

No item in this List E may be made with a handle less than 3 3/8 inches in length nor less than 1/8 of an inch in thickness at the narrowest point.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of pocket cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron, steel and other metals in the aggregate processed by that manufacturer during the base period in his production of pocket cutlery.

SCHEDULE F—SCISSORS; SHEARS AND TRIMMERS

Definitions. "Scissors" means any two bladed, hand operated cutting implement having two rings, each of a size sufficient to accommodate not more than one finger or thumb in each ring, designed for use in industrial plants, schools, dressmakers' establishments, department stores, homes, etc., for cutting cloth, paper and miscellaneous materials; including nail scissors, but excluding surgical scissors and barber shears and scissors.

"Shears and trimmers" means any two bladed, hand operated cutting implement having one ring of a size sufficient to accommodate two or more fingers and a second ring which is smaller and barber shears or scissors possessing a protruding finger rest, but not including animal and agricultural shears and trimmers or metal cutting shears or snips.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of scissors more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of scissors.

During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of shears and trimmers more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of shears and trimmers.

SCHEDULE G—HAND HAIR CLIPPERS

Definitions. "Hand hair clippers" means clippers operated by hand, designed for but not limited to use in barber shops, beauty parlors, hospitals or homes for cutting human hair, and including fetlock clippers.

"Length" means the over-all measurement of the article from the tip of the stationary handle to the tip of the cap or head.

"Pattern" means the outline shape of the head, cap and handles, including horns and finger rests of the completed article, without the plates. It does not refer to the finish, color or weight of the article.

Permissible types. No manufacturer shall process metal in the production of any hand hair clippers except those which conform to the following specifications:

General description	Maximum No. of patterns	Maximum No. of lengths
Large heavy duty clippers.....	1	1
Light weight clippers.....	1	1
Fetlock clippers.....	1	1

Permissible amount of metal. During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new large heavy duty hand hair clippers and fetlock clippers more iron, steel and zinc in the aggregate than 45% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new large heavy duty hand hair clippers, and fetlock clippers.

During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new light weight hand hair clippers more iron, steel and zinc in the aggregate than 25% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new light weight hand hair clippers.

Restrictions on distribution. On and after July 1, 1943, no manufacturer shall transfer the physical possession of or title to any new light weight hand hair clipper produced after that date except to or for the account of persons acquiring such light weight hand hair clippers for export to and consumption or use in a foreign country.

SCHEDULE H—INDUSTRIAL CUTLERY

Definitions. "Industrial cutlery" means hand operated knives or similar articles designed for use primarily in, but not limited to, shoe, rubber, linoleum, electrical and other manufacturing plants; and in the shipbuilding, storage battery, automotive, tire repair, painting, furniture, office supply and other trades; including but not limited to putty knives, scrapers, wallpaper trimmers, paper hangers' knives, casing knives, corner knives, linoleum knives, roofing knives, manual training knives, wood carving knives, pattern makers' knives, stencil knives, rubber knives, shoe knives, cotton sampling knives, broom corn knives, and similar industrial knives; and also adjustable knife blades with detachable handles designed for essential cutting operations.

Permissible amounts of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of industrial cutlery more iron, steel, and zinc in the aggregate than 200% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of industrial cutlery.

[F. R. Doc. 44-2266; Filed, February 16, 1944; 11:17 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT¹

[Limitation Order L-1-] as Amended Feb. 16, 1944]

MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of fluid-food tank trucks, tank trailers and tank tractors for defense, for private account

¹Formerly Part 976, § 976.21.

and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3292.16¹ *Limitation Order L-1-j—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

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

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

(2) "Fluid-food tank truck or trailer" means a motor truck or trailer on which is mounted a tank body lined with glass, or made of stainless steel or aluminum, and used or suitable for use in the transportation of milk or other fluids for use in human foods, including all such trucks and trailers used in such transportation at any time since January 1, 1933.

(3) "Fluid-food tank tractor" means a truck tractor which on or after March 26, 1943 was used, or held for standby service or in reserve, for hauling fluid-food tank trailers.

(c) *Restrictions on sale and transfer of fluid-food tank trucks and tank trailers and fluid-food tank tractors.* On or after March 26, 1943 no person owning, operating, leasing or otherwise possessing a fluid-food tank truck or trailer or a fluid-food tank tractor shall sell, lease, trade, lend, deliver, ship or transfer any such vehicle, or shall convert any such vehicle for or divert it to any usage other than that in which it is being currently operated, except with the specific authorization of the War Production Board.

(d) *Application on Form WPB-1319.* Any person owning a fluid-food tank truck, tank trailer or a fluid-food tank tractor, seeking the authorization of the War Production Board to sell or otherwise transfer or convert the same, shall apply to the Automotive Division, War Production Board, Washington 25, D. C., on Form WPB-1319. Form WPB-1319 may be obtained from the nearest Regional or District Office of the War Production Board, shall be submitted in quadruplicate, and shall contain the information called for by the current instructions for the form.

(e) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any fluid-food tank truck or tank trailer, or fluid-food tank tractor (1) sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, or (2) leased or operated under a specific order, instruction, or directive, other than a Certificate of War Necessity, of the Office of Defense Transportation.

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

other transfers or conversions of vehicles made under this order.

(g) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

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

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

(j) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref: L-1-j.

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2258; Filed, February 16, 1944;
11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-39, as Amended
Feb. 16, 1944]

FIRE PROTECTIVE, SIGNAL AND ALARM EQUIPMENT

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials entering into the production of fire protective, signal and alarm equipment, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.1 *General Limitation Order L-39—(a) Definitions.* For the purpose of this order:

(1) "Fire protective equipment" means: sprinkler systems, couplings, playpipes and allied fittings, fire hose, fire hydrants, fire pumps, hose dryers, hose racks, indicator posts, lightning protection systems, piped extinguishing systems, portable fire extinguishers including back pack types, foam generators, stirrup pumps, water spray nozzles, and all other fire protective equipment for preventing or extinguishing fires, excepting self-propelled motorized fire apparatus and auxiliary units including trailer, skid, front mounted and portable apparatus.

(2) "Signal or alarm equipment" means fire, police, and protective alarm and signal systems, including central station, proprietary, auxiliary and auto-

matic fire alarms; watchmen's time recording, burglar, bank vault, hold-up and intrusion systems; and all other instruments and devices to detect, signal or warn against fire or other casualty, except air raid warning devices.

(3) "Dry-pendant sprinkler head" means a sprinkler head for use in a pendant position on a dry pipe system and permanently attached to an extension nipple so as to exclude water from the nipple.

(4) "Incendiary bomb control equipment" means any pump, device, instrument, or material designed for the removal, control or extinguishment of incendiary bombs.

(5) "Stirrup pump" means a manually operated pump used to draw water or other liquid from a separate container to extinguish or control fires.

(6) "Air raid warning device" means any siren, whistle, horn, diaphone, signal or device used or intended for use to warn or signal civilians in connection with air raids or other war hazards.

(7) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *General restrictions—(1) Restrictions on use of scarce materials.* Except as provided in paragraph (c) of this order, no person shall incorporate in any fire protective equipment, signal or alarm equipment, air raid warning device, or parts thereof, any aluminum, bismuth, cadmium, chromium, copper, mercury, monel metal, nickel, tin, stainless steel, zinc, or alloy of any of said metals, asbestos, rubber or synthetic rubber, except to the extent permitted in Appendix A hereof.

(2) *Restrictions on fire hose couplings.* Except as provided in paragraph (c) of this order, no brass fire hose couplings in the possession or control of any coupling manufacturer, fire hose manufacturer or distributor on April 27, 1942, shall be transferred, sold or incorporated in the manufacture or assembly of any fire hose.

(3) *Restrictions on foam extinguishers.* No person shall purchase or accept delivery of any foam extinguisher except for use in the protection of inflammable liquids, and no person shall sell or deliver any foam extinguisher which he knows or has reason to believe will be used in violation of this paragraph (b) (3).

(4) *Restrictions on manufacture of alkali metal (loaded stream) extinguishers.* No person shall in any quarter complete the manufacture of any type of alkali metal salt solution (loaded stream) extinguishers in excess of 25 percent of the total of such type (irrespective of size) manufactured by such person during the twelve month period ending November 30, 1941, except to fill purchase orders or contracts from any agency or government listed in subdivisions (i), (ii), and (iii) of this paragraph (b) (4). In determining the number of extinguishers manufactured during said twelve month base period ending November 30, 1941, extinguishers manufactured to fill contracts or purchase orders from,

or for delivery to, any of the following shall be excluded:

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

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

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

(5) *Restrictions on manufacture of stirrup pumps.* No person shall manufacture any stirrup pump, or part thereof, except to fill purchase orders from the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, Defense Supplies Corporation, or from any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) [Deleted Jan. 21, 1944]

(7) *Restrictions on sale and delivery of signal or alarm equipment and air raid warning devices.* (i) No person shall sell, deliver or install any signal or alarm equipment costing \$50 or more, or any air raid warning device costing \$25 or more, except to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

(b) Any other person who has been specifically authorized by the War Production Board on Form WPB-1319 to receive the specific equipment or device and who has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(ii) [Revoked Feb. 16, 1944]

(iii) In conjunction with the granting of specific authorization to receive signal or alarm equipment or air raid warning devices on Form WPB-1319, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(8) *Restriction on the manufacture of signal or alarm equipment.* Except upon specific authorization by the War Production Board, no person shall manufacture, install, deliver or accept delivery of any smoke, fire, or intrusion detector employing photo-electric principles, except to fill purchase orders from a purchaser listed in paragraph (b) (4) of this order and unless such item is for use on board ship.

(9) *Restriction on the manufacture of air raid warning devices.* No person shall manufacture, sell, purchase, deliver, install or accept delivery of any air raid warning device which requires for its operation a motor in excess of three (3) horse power.

(10) *Restrictions on sale and delivery of cotton rubber-lined fire hose.* No person shall sell, deliver, purchase or accept delivery of any new cotton rubber-lined fire hose except pursuant to a purchase order bearing a preference rating of AA-5 or higher. However, the above restriction does not apply with respect to purchase orders for fire hose which had been placed before August 23, 1943, and which bear preference ratings of A-9 or higher.

(11) *Restrictions on manufacture of incendiary bomb control equipment.* Effective thirty days after January 20, 1943, no person shall manufacture any incendiary bomb control equipment, except when and to the extent authorized by the War Production Board pursuant to application on Form PD-740, or to the extent permitted by paragraph (b) (5) of this order.

(c) *Exceptions to paragraphs (b) (1) and (b) (2).* (1) The restrictions of paragraphs (b) (1) and (b) (2) shall not apply to:

(i) Brass fire hose couplings, rings, or hose line fittings, provided that such couplings, rings, or hose line fittings are delivered to or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, and are for use on board ship; or

(b) The Panama Canal; or

(c) Any person for use on board ships warranted by the United States Maritime Commission.

(ii) The restrictions of paragraph (b) (1) shall not apply to:

(a) Carbon dioxide extinguishers manufactured in accordance with specifications of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration; or

(b) Aluminum parts for signal or alarm equipment, if such parts were fabricated before January 23, 1942.

(d) *Representations on orders from government agencies.* Any purchase order or contract from any agency or government named in subparagraphs (i), (ii), or (iii) of paragraph (b) (4) of this order shall constitute a representation that the conditions exist under which such purchase order or contract may be filled within the terms of this order. Said representation may be relied upon by the person with whom the purchase order or contract is placed and by his subcontractors and suppliers.

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

deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

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

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

(h) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-39.

Issued this 16th day of February 1944.

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

APPENDIX A

In accordance with the provisions of paragraph (b) (1) of this order, the materials named in this Appendix A may be incorporated in the manufacture of fire protective equipment, signal or alarm equipment, and air-raid warning devices, and in component parts thereof, to the extent indicated in this Appendix A:

- (1) Aluminum, primary or secondary:
 - (i) In extinguishers for use in airplanes;
 - (ii) As foil in electric condensers for fire, police and protective alarm systems, to the extent essential to the efficient functioning of such condensers and when approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;
 - (iii) (Secondary aluminum only) in zinc die castings.
- (2) Bismuth:
 - (i) As a component of fusible link alloy;
 - (ii) Up to five and one-half (5½) per cent in solder.
- (3) Cadmium, as a component of fusible link alloy.
- (4) Chromium:
 - (i) For plating of parts of fire, police, and protective alarm systems and sprinkler heads to the extent essential to the efficient functioning of such systems or heads;
 - (ii) As a component of stainless steel, the use of which is permitted by paragraph (10) hereof.
- (5) Copper or copper base alloys (where copper base alloys are permitted, the alloys used shall be of the lowest type and grade that are practical for the particular application) in:
 - (i) Pumps for vaporizing liquid extinguishers;
 - (ii) Lock nuts on removable hose connections;
 - (iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid and loaded stream extinguishers;
 - (iv) Either collars or caps (but not both) on 2½-gallon foam extinguishers;
 - (v) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;
 - (vi) Snap clamps, clamp pins and wire springs for "Jones" type fire hose couplings;
 - (vii) Latch assemblies for "British" type fire hose couplings to the extent essential to the efficient functioning of the parts;
 - (viii) Swivels and wires for screw type fire hose couplings;
 - (ix) Swivels, wires, and rollers for suction hose couplings;
 - (x) Couplings and rings for (a) potable water purification plants, (b) ¾ inch, 1 inch, and 1½ inch chemical or booster hose, and

(c) 5 inch and 6 inch suction hose; and 1½ inch expansion rings;

(xi) Hose and hydrant adapters;

(xii) Swivels, wires, clappers and seats for Siamese connections;

(xiii) Playpipes made only from drawn, brazed sheet, or cast brass, provided that such playpipes are not more than 15 inches in length and are manufactured for connections not larger than 2½ inches in diameter.

(xiv) Ball and cylinder type shut-off nozzles;

(xv) Nozzle tips for playpipes, and not exceeding 1½" diameter at discharge ends;

(xvi) Portable deluge nozzles, not including tips or handles;

(xvii) The following hydrant fittings to the extent essential to their efficient functioning: valve seats, discs, guides, operating valve stems, stuffing boxes, bushings, rivets, retainer rings, and outlet nipples;

(xviii) The following indicator post and valve fittings to the extent essential to their efficient functioning: Valve stems; seats; discs; packing glands; glands of bonnet openings; extension stem operating washer, nut and target mechanism;

(xix) Parts of portable generators, engines and fixed piped systems to the extent essential to their efficient functioning (The parts referred to herein include generator bodies except bases, shut-off valves except handles, screens, check valves, inner chambers, heads, stopples, closing and other operating mechanisms.);

(xx) Water spray nozzles;

(xxi) Valve seats, discs, stems, guides, and clapper arms;

(xxii) The following parts of automatic sprinkler systems and signal or alarm equipment: Actuating, indicating, and recording units of alarm or signal systems; condenser parts; contacts; diaphragm assemblies; labels of inspection laboratories; links; tubing and fittings; valves not over 2 inches; wire and cables; impellers and rings for fire pumps and for water flow alarms; deflectors on closed sprinkler heads if made of casting, but the alloy shall not contain more than 74 per cent copper; all other parts of closed sprinkler heads, but the alloy for frames shall not contain more than 86 per cent copper and shall be made without the use of primary copper or primary tin, and the alloy for lever arms shall contain no tin and not more than 74 per cent copper.

(xxiii) Impellers, retaining rings and bushings for fire pumps;

(xxiv) Watchmen's time recording systems where required for efficient functioning;

(xxv) The following parts of air raid warning devices: motors up to three horse power, actuating units, wire and cable, control and reducer valves only to the extent necessary to the efficient functioning thereof.

(xxvi) Name and identification plates of a gauge of .03125 inch or less for fire extinguishers which are to be used in aircraft or on board ship.

(6) [Revoked.]

(7) Mercury, as required in check valves for automatic systems and in gravity tank gauges.

(8) Nickel, in signal or alarm systems as a component of bi-metal thermal discs for thermostats, as plating for protection against corrosion where magnetic properties of nickel are essential, as a component of wire wound resistors, as a component of thermocouple wire and as a component of permanent magnets; and in signal or alarm systems for plating component parts of control mechanisms essential to the efficient functioning of the system, where less critical material as a substitute would not be suitable.

(9) Tin:

(i) As a component of fusible link alloy; and in dry pipe valve seat rings, but not to exceed fifty per cent in weight;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used, and only to the extent permitted by General Preference Order M-43;

(iii) Up to ten per cent by weight in metal for coating steel shells for vaporizing liquid extinguishers;

(iv) In solder, provided that the tin content does not exceed that permitted by General Preference Order M-43;

(v) As a component of foil for use in anti-intrusion and anti-sabotage systems, to the extent essential to the efficient functioning of the equipment, provided that the use of tin for this purpose is properly authorized under General Preference Order M-43.

(10a) Stainless steel (non-nickel bearing):

(i) In hinge pins in dry pipe valves of automatic sprinkler systems; in balls for check valves in dry pipe valves and accelerating equipment for automatic sprinkler systems; and in impeller shafts for fire pumps;

(ii) In nozzles and linings for automatic vaporizing liquid sprinkler units approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories;

(iii) In the following parts of signal or alarm systems: cylinders, ratchet pins, and small shafts for signal or alarm mechanisms where the use of any less scarce material is impracticable, mercury check valves, ball bearings, latching parts, and pileup and adjusting screws where the use of any less scarce material is impracticable.

(10b) Stainless steel (nickel bearing) in four transmitter cylinders where the use of any less critical material is impracticable.

(11) Monel metal:

(i) In balls for check valves in dry pipe valves, accelerating equipment, and water flow alarms for automatic sprinkler systems;

(ii) In helical springs for fire detecting thermostats;

(iii) In vanes and pressure type flexible joints for water flow alarm devices.

(12) Zinc:

(i) In essential parts of alarm and signal systems when a less critical material as a substitute would not be suitable;

(ii) In copper alloys, the use of which is permitted by paragraph (5) hereof;

(iii) In die cast parts;

(iv) For protection against corrosion of iron or steel parts of lightning rods and fittings, extinguishers, pump tanks, fire hose couplings, expansion rings, open head sprinklers, deflectors on sprinkler heads, and as a protective coating for functional parts where ferrous metal has been substituted for copper base alloy.

(v) As sheet to the extent that corrosion-resistant metal is essential to efficient functioning and galvanized steel sheet is not suitable.

(13) Asbestos:

(i) In gaskets for hydrants, fixed or portable foam applicator pipes, and alarm systems.

(ii) As packing for vaporizing liquid extinguishers.

(14) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

[F. R. Doc. 44-2259; Filed, February 16, 1944; 11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT¹

[General Limitation Order L-43, as Amended Feb. 16, 1944]

MOTORIZED FIRE APPARATUS

The fulfillment of requirements for the defense of the United States has cre-

ated a shortage in the supply of the materials entering into the manufacture of motorized fire apparatus for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.6¹ General Limitation Order L-43—(a) Definitions. For the purposes of this order:

(1) "Motorized fire apparatus" means self-propelled motorized fire apparatus and auxiliary pumping units of fire apparatus, and includes accessories therefor and equipment thereon.

The term shall not include second hand apparatus nor parts or materials for the repair or maintenance of existing apparatus.

(2) "Sedan" means self-propelled motorized fire apparatus of which more than 50% of the area behind the windshield is enclosed.

(3) "Service ladder truck" means self-propelled motorized fire apparatus on which the equipment carried consists of service or ground ladders, miscellaneous equipment, and tools.

(4) "Squad car" means self-propelled motorized fire apparatus designed to carry men.

(5) "Salvage car" means self-propelled motorized fire apparatus designed to carry canvas covers, life nets, and similar equipment.

(6) "Rescue car" means self-propelled motorized fire apparatus designed to carry first aid equipment.

(7) "Hose truck" means self-propelled motorized fire apparatus designed to carry fire hose.

(8) "Pumper" means self-propelled motorized fire apparatus carrying a booster tank, a pump, and hose, which is designed primarily to pump water from sources other than its own booster tank.

(9) "Tank truck" means self-propelled motorized fire apparatus carrying a water tank, a pump, and hose, which is designed primarily to pump water from its own water tank rather than from outside sources. The term shall include, but not by way of limitation, so-called "crash trucks".

(10) "Aerial ladder truck" means self-propelled motorized fire apparatus on the chassis of which are combined an aerial ladder and any or all of the following equipment: (i) a complement of service or ground ladders, (ii) fire hose, (iii) a booster tank, (iv) a pump. An aerial ladder truck may also carry miscellaneous equipment.

(11) "Auxiliary pumping unit" means the following types of fire apparatus:

(i) A pump designed to be mounted on the front or side of a self-propelled vehicle and designed to receive its pumping power from the motor of the self-propelled vehicle;

(ii) A pump and motor designed to be mounted on a trailer, skid, or other type of support; and

(iii) A vehicle or other support carrying a pump or a pump and motor of the types described in the preceding subparagraphs of this paragraph (a) (11).

¹ Formerly Part 1066, § 1066.1.

The term does not include any pumps covered by Limitation Order L-192 or L-246, or Schedule VII to Limitation Order L-217.

(12) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 per cent of the weight of all metal in the alloy.

(13) "Specification of the War Production Board" means the specification for 500 and 750 g. p. m. pumpers on file at the offices of the Safety and Technical Equipment Division of the War Production Board, Washington, 25 D. C. (Copies of this specification may be obtained by addressing a communication to the address indicated in paragraph (k) of this order.)

(14) "Manufacturer" means any person engaged in the business of manufacturing, fabricating or assembling motorized fire apparatus.

(15) "Distributor" means any person engaged in the business of purchasing and reselling motorized fire apparatus without further fabrication of such apparatus.

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

(b) *Restrictions on manufacture of motorized fire apparatus.* Except as permitted by paragraph (c) of this order, no manufacturer shall take any action to commence, continue or complete the manufacture of:

(1) Any sedan, service ladder truck, squad car, salvage car, rescue car, or hose truck;

(2) Any chassis for use in connection with a pumper carrying a centrifugal pump of 500 g. p. m. capacity, as rated by the National Board of Fire Underwriters, unless such pumper is being manufactured for delivery to or for the account of the Navy of the United States, Lend-Lease, or any person to whom an export license covering the specific equipment has been issued by the Board of Economic Warfare;

(3) Any 1½ ton chassis for use in connection with a tank truck, unless such tank truck is being manufactured for delivery to or for the account of the Navy of the United States or Lend-Lease;

(4) Any pumper except the following types:

(i) Pumpers which carry centrifugal pumps of either 500 or 750 g. p. m. capacities, as rated by the National Board of Fire Underwriters, and which conform to the "Specification of the War Production Board", and

(ii) Pumpers which carry centrifugal pumps of 1000 or 1250 g. p. m. capacity, as rated by the National Board of Fire Underwriters: *Provided, however,* That the manufacture of such pumpers shall not be commenced until the specifications therefor have been submitted to the War Production Board and have been specifically approved by the War Production Board;

(5) Any tank truck except one having a pump capacity of not more than 400 g. p. m. and carrying a water tank of a

capacity of 250 gallons or more; *Provided, however,* That the restrictions set forth in this subparagraph (5) shall not apply to the manufacture of tank trucks for delivery to or for the account of the Army or Navy of the United States or Lend-Lease;

(6) Any aerial ladder truck except one carrying

(i) An extension ladder of not less than 65 feet nor more than 100 feet in length;

(ii) Not more than 500 feet of 2½ inch fire hose, if hose is required;

(iii) A booster tank of not less than 100 gallon nor more than 200 gallon capacity, if a booster tank is required; and (iv) A pump having a capacity of not more than 100 g. p. m., if a pump is required.

(c) *Exceptions.* (1) Notwithstanding the restrictions set forth in paragraph (b) of this order any motorized fire apparatus in the process of manufacture on April 16, 1943, may be completed to fill purchase orders bearing preference ratings which had been assigned to the person placing the order prior to April 16, 1943. Deliveries of such apparatus may be made and accepted without further authorization under paragraph (e) (5) (iii) of this order.

(2) The provisions of paragraphs (b) (2) and (b) (3) of this order shall not be construed to prohibit any alteration or further fabrication of chassis which have been obtained under the provisions of General Conservation Order M-100.

(d) *Restrictions on use of materials in motorized fire apparatus.* Except as specifically authorized by the War Production Board, no manufacturer shall incorporate in the manufacture of any motorized fire apparatus, or of component parts thereof, any aluminum, copper, copper base alloy nickel, chromium, cadmium, tin, zinc, alloy steel, carbon steel, or synthetic rubber, except to the extent permitted in Appendix A, attached to this order.

(e) *Restrictions on sale and delivery of motorized fire apparatus.* (1) No manufacturer or distributor shall install a bell on any motorized fire apparatus, and no person shall sell or deliver any bell which he knows or has reason to believe will be used in connection with motorized fire apparatus;

(2) No manufacturer or distributor shall install any new or used rubber tires on any auxiliary pumping unit, and no person shall sell or deliver any new or used rubber tires which he knows or has reason to believe will be used on an auxiliary pumping unit, except to fill "government orders" as defined in Rubber Order R-1.

(3) No manufacturer or distributor shall sell, deliver, or otherwise supply:

(i) Any accessories or equipment for use in connection with new motorized fire apparatus other than the types and kinds permitted for pumpers by paragraph D-20 of the "Specification of the War Production Board."

(ii) Any intercooler for use in connection with any auxiliary pumping unit, except where it is to be used in place of a radiator.

(iii) Any tachometer for use in connection with motorized fire apparatus, except tachometers which were completed and in the possession of manufacturers or distributors on April 16, 1943.

(4) No person shall sell or deliver any suction hose for use in connection with motorized fire apparatus except to fill purchase orders bearing preference ratings of AA-5 or higher;

(5) Subject to the further restrictions contained in paragraph (g) of this order, no person shall sell or deliver any pumper, tank truck, aerial ladder truck, or auxiliary pumping unit, except to or for the account of:

(i) The Army or Navy of the United States;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iii) Any other person who has been authorized by the War Production Board on Form WPB-1319 to receive the specific motorized fire apparatus and has delivered to his supplier a copy of such form signed in the name of the War Production Board.

(6) No person shall purchase or accept delivery of any material if he knows or has reason to believe that the sale or delivery of such material is prohibited by the terms of subparagraphs (1), (2), (3), (4) or (5) of this paragraph (e).

(f) *Authorizations on Form WPB-1319.* (1) [Deleted February 16, 1944.]

(2) Any authorization by the War Production Board on Form WPB-1319 may be granted subject to any conditions which the War Production Board deems necessary. Such conditions may include the requirement that a different size or type of apparatus be obtained, or any other condition. The War Production Board may also assign a preference rating on Form WPB-1319 if such rating is deemed necessary.

(g) *Production and shipping schedules and restrictions thereon.* On or before April 26, 1943, and on or before the 15th day of each succeeding calendar month, each manufacturer of motorized fire apparatus shall file with the War Production Board in triplicate on Form WPB-2332 (formerly Form PD-774) his proposed production and shipping schedules of motorized fire apparatus for such period as production and shipping may be planned. Upon receipt of such form, the War Production Board will approve or disapprove the proposed production and shipping schedule, or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed. Notwithstanding any preference rating which any order may bear or any rule or regulation of the War Production Board, each manufacturer shall produce and ship motorized fire apparatus in accordance with his production and shipping schedules as approved or changed by the War Production Board.

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

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

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

(k) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington (25), D. C., Ref: L-43.

Issued this 16th day of February 1944.

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

APPENDIX A

In accordance with paragraph (d) of this order, the following materials may be incorporated in the manufacture of motorized fire apparatus, or of component parts thereof, to the extent indicated below, unless any of the uses specified herein shall conflict with the provisions of any other limitation ("L") or conservation ("M") order, in which case the more restrictive order shall control:

(1) Alloy steel containing chromium, in relief valves and seats and highly stressed steel parts, including axles, shafts and gears, to the extent allowed by the National Emergency Steel Specifications; in engine exhaust valves; in pump shafts not exceeding 14%;

(2) Alloy steel containing nickel, in piston pins for engines over 125 horsepower and in heavy duty gears, to the extent allowed by the National Emergency Steel Specifications; and in engine exhaust valves;

(3) Aluminum, as authorized in accordance with the provisions of Order M-1-1;

(4) Carbon steel, to the extent essential to the efficient functioning of the parts;

(5) Chromium, in alloy steel as permitted under paragraph (1) of this Appendix A; and in plating to the extent essential to the efficient functioning of the parts plated;

(6) Copper or copper base alloy (of the lowest type and grade which is practical for the particular application), in intercoolers; suction tube caps; discharge valve caps; valves (not including the handles); relief valves; impellers, rings and rotors; and in swivels and rollers in suction hose couplings;

(7) Synthetic rubber, in valve packing, pump packing, hydraulic hose lines and fuel pump lines;

(8) Tin, in copper base alloys (where no tin-free alloy can be used); and in solders and babbitts to the extent permitted by Preference Order M-43;

(9) Zinc, in carburetors, fuel pumps, speedometers, and windshield wipers; in plating to the extent essential to the efficient functioning of the parts plated; and for protection of ferrous parts substituted for non-ferrous parts.

[F. R. Doc. 44-2260; Filed, February 16, 1944; 11:16 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-144, as Amended Feb. 16, 1944]

LABORATORY EQUIPMENT

§ 3296.56 *General Limitation Order L-144—(a) Definitions.* For the purposes of this order:

(1) "Laboratory equipment" means any apparatus, instrument, appliance, device, equipment, or part thereof, designed primarily for use in laboratories. However, the restrictions of this order cover only those items of laboratory equipment which are included on List A, attached hereto. (The language at the top of List A should be examined closely to determine what items are included on List A.)

(2) "Distributor" means any person located in the United States, its territories or possessions, or the Dominion of Canada, who purchases laboratory equipment for the purpose of resale.

(3) [Deleted Oct. 9, 1943]

(b) *Restrictions on the sale and delivery of laboratory equipment.* No person shall sell or deliver any item of laboratory equipment included on List A of this order to any person, other than a distributor, except to fill a purchase order or contract specifically authorized by the War Production Board on Form WPB-1319.

(c) *Restrictions on purchase of laboratory equipment.* No person shall purchase or accept delivery of any laboratory equipment, if he knows or has reason to believe that the sale or delivery of such laboratory equipment is prohibited by the terms of paragraph (b) of this order.

(d) *Authorizations on Form WPB-1319 and extensions of such authorizations.* (1) Each person seeking authorization, pursuant to paragraph (b) of this order, to receive laboratory equipment shall prepare Form WPB-1319 in the manner prescribed therein and shall file such form with the War Production Board, Washington 25, D. C., Ref: L-144. (Copies of Form WPB-1319 may be obtained at the local offices of the War Production Board.)

(2) Any person receiving specific authorization on Form WPB-1319 shall notify his supplier of such authorization by furnishing him with a certification in substantially the following form (on the purchase order or contract, or on an attached document):

The undersigned hereby certifies that he has been specifically authorized by the War Production Board on Form WPB-1319 Case No. _____, to receive the laboratory equipment ordered by the within (or attached) purchase order or contract, in accordance

with the provisions of Limitation Order L-144.

Name _____
By _____
Authorized official

Date _____

Any such certification shall be signed by an authorized official, either manually or as provided in Priorities Regulation 7, and shall constitute a representation to the supplier and to the War Production Board of the facts certified therein. The supplier may rely upon such representation, unless he knows or has reason to believe such representation to be false.

(e) *Assignment of preference ratings on Form WPB-1319.* In conjunction with the granting of specific authorizations to receive laboratory equipment on Form WPB-1319 pursuant to paragraph (b) of this order, the War Production Board may also assign preference ratings to the authorized deliveries on such form. Any preference rating so assigned shall be applied and extended only in accordance with the terms of Priorities Regulation 3.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records of all sales, deliveries and purchases of laboratory equipment.

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

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

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

(j) *Communications with the War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-144.

The above paragraph (a) (2) supersedes Interpretation 1 of the order, issued July 17, 1943.

Issued this 16th day of February 1944.

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

LIST A

The sale and delivery of items included on List A are subject to the restrictions set forth in paragraph (b) of this order. List A includes only those items coming within the classifications set forth below which have

a value, individually, of \$50 or more. Any item coming within the classifications set forth below which has a value, individually, of less than \$50 shall not be regarded as being included on List A. Secondhand equipment is not included, nor are parts and materials needed to repair or maintain existing equipment. Furthermore, accessories and attachments for List A items are not included when sold separately. (It should also be understood that no item is included on List A unless it is designed primarily for use in laboratories. For example, a centrifuge which is designed to separate cream from milk is not designed primarily for use in laboratories and therefore is not included on List A.)

Analytical balances (sensitivity $\frac{1}{10}$ mg. or more sensitive)

Calorimeters

Centrifuges

Hydrogen ion meters (electrometric)

Metaloscopes

Microscopes (except Brinnell and Tool Makers)

Microtomes

Potentiometers, Wheatstone Bridges and Resistance Boxes

Refractometers

Spectrographs, spectroscopes, spectrometers and spectrophotometers

Vacuum pumps (1 micron or higher vacuum)

INTERPRETATION I

[Superseded October 9, 1943.]

[F. R. Doc. 44-2267; Filed, February 10, 1944; 11:18 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT¹

[General Limitation Order L-266 as Amended Feb. 16, 1944]

STERILIZER EQUIPMENT

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

§ 3296.91¹ *General Limitation Order L-266—(a) Definitions.* For the purposes of this order:

(1) "Sterilizer equipment" means the following types of sterilizers, as each is hereinafter defined, and includes heating elements when such elements are an integral part of such sterilizers: Pressure sterilizers, bulk pressure sterilizers, pressure water sterilizers, non-pressure water sterilizers, non-pressure instrument sterilizers, non-pressure utensil sterilizers, baby bottle pasteurizers and sterilizers, bedpan steamers, boiling type bedpan sterilizers, laboratory pressure sterilizers, bedpan washers and field sterilizers. The term shall not include used or rebuilt sterilizer equipment, nor any parts or materials for the repair or maintenance of existing sterilizer equipment, nor shall it include any pressure cooker designed for processing foods.

(2) "Pressure sterilizer" means a sterilizer having a volumetric capacity of less than 40,000 cubic inches which is designed to utilize steam under pressure

in order to free articles from living pathogenic microorganisms.

(3) "Bulk pressure sterilizer" means a sterilizer having a volumetric capacity of 40,000 cubic inches or more which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms. It may or may not include attachments for fumigating purposes.

(4) "Pressure water sterilizer" means a sterilizer which is designed to heat water to a temperature higher than 212° F. in order to free it from living pathogenic microorganisms.

(5) "Non-pressure water sterilizer" means a sterilizer which is designed to free water from living pathogenic microorganisms by means of boiling.

(6) "Non-pressure instrument sterilizer" means a sterilizer which is designed to free surgical, medical and dental instruments and similar articles from living pathogenic microorganisms by subjecting them to a boiling liquid. The term shall not include any such sterilizer which contains metal in no part other than the heating element, lid and essential hardware.

(7) "Non-pressure utensil sterilizer" means a sterilizer which is designed to free hospital or medical utensils and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(8) "Baby bottle pasteurizer and sterilizer" means equipment designed to free baby bottles from living pathogenic microorganisms and to pasteurize baby milk formulas. The term shall not include any such equipment having a capacity of twelve bottles or less.

(9) "Bedpan steamer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to live steam.

(10) "Boiling type bedpan sterilizer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(11) "Laboratory pressure sterilizer" means a sterilizer which is designed to free articles from living pathogenic microorganisms by utilizing steam under pressure and which is specially designed for use in a laboratory.

(12) "Bedpan washer" means apparatus designed to wash (and, in some cases, to sterilize) bedpans, urinals, and similar articles, and which may or may not be equipped with flushing mechanism.

(13) "Field sterilizer" means any sterilizer which is designed for use in the field and which is manufactured for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(14) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of sterilizer equipment.

(15) "Distributor" means any person who purchases sterilizer equipment solely for the purpose of resale without further fabrication.

(b) *Restrictions on the manufacture of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (b), no manufacturer shall manufacture or continue the manufacture of any sterilizer equipment other than the permitted sizes of the permitted types set forth in Schedule A attached to this order.

(2) Any sterilizer equipment which was in the process of fabrication on February 24, 1943, and which cannot be completely fabricated within the restrictions of Schedule A, attached to this order, may be further fabricated after said date only to the extent specifically authorized by the War Production Board. Any manufacturer requesting such specific authorization shall file a statement in duplicate with the War Production Board setting forth in detail the number of units of each type in process of fabrication on February 24, 1943, the extent of the fabrication, the amount of materials required to complete fabrication, the reasons why such units cannot be converted to the permitted types and sizes set forth in Schedule A, and any other facts supporting the request for specific authorization.

(c) *Restrictions on the use of materials in the manufacture of sterilizer equipment.* (1) No manufacturer shall incorporate any copper or copper base alloy in the manufacture of any bulk pressure sterilizer, non-pressure instrument sterilizer, non-pressure utensil sterilizer, baby bottle pasteurizer and sterilizer, bedpan steamer, boiling type bedpan sterilizer, or bedpan washer, except as follows:

(i) Copper or copper base alloy may be used to the extent required in electrical circuits, control valves, safety valves, and gauges;

(ii) Copper base alloy sheet may be used to the extent required in non-pressure instrument sterilizers which are 20" in length by 10" in width by 9" in depth or larger in size; and

(iii) Copper or copper base alloy may be used to the extent required in trays for non-pressure instrument sterilizers.

(2) No person shall use any material in the manufacture of sterilizer equipment where the use of any less critical material is practicable.

(d) *Restrictions on the sale and delivery of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (d), no person shall sell or deliver any sterilizer equipment, except to or for the account of:

(i) The Army or Navy of the United States;

(ii) Any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(iii) Any person to whom an export license covering the specific equipment has been issued by the Foreign Economic Administration: *Provided, however, That*

¹ Formerly Part 3196, § 3196.1.

delivery shall not be made to any person holding an export license which was issued prior to February 24, 1943, unless such export license has been revalidated by the Foreign Economic Administration after said date;

(iv) Any distributor; or

(v) Any other person who has filed Form WPB-1319 and has been specifically authorized on such form by the War Production Board to receive the specific sterilizer equipment and has furnished to his supplier, one copy of such form signed in the name of the War Production Board. (As a general rule, authority to receive sterilizer equipment will be granted only in cases where the equipment will receive general use and where essentiality is clearly established.)

(2) The restrictions set forth in subparagraph (1) of this paragraph (d) shall not apply to the sale or delivery of the following sterilizers, but production and shipping schedules of such sterilizers shall be listed on Form WPB-2232 (formerly Form PD-774) in accordance with the provisions of paragraph (f) of this order:

(i) Non-pressure instrument sterilizers which are not more than 16" in length by 6" in width by 4" in depth (with a permitted variation of 10 per cent from the specified dimensions) in size; or

(ii) Laboratory pressure sterilizers which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144.

(3) No person shall purchase or accept delivery of any sterilizer equipment if he knows or has reason to believe that the delivery of such sterilizer equipment is prohibited by the terms of this order.

(e) *Applications on Form WPB-1319.* Each person seeking authorization, as permitted by paragraph (d) (1) (v) of this order, to receive sterilizer equipment shall prepare Form WPB-1319 in accordance with the current instructions for such form. (Form WPB-1319 and instructions may be obtained at the local field offices of the War Production Board).

(f) *Production and shipping schedules and restrictions thereon.* (1) On or before the 15th day of July, 1943, and on or before the 5th day of each succeeding calendar month, each manufacturer of sterilizer equipment shall file with the War Production Board in triplicate on Form WPB 2232 (Formerly Form PD-774), his proposed production and shipping schedules of sterilizer equipment for the period required by such form. Upon receipt of such form, the War Production Board will approve the proposed production and shipping schedules or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed.

(2) In addition to the restrictions contained in paragraphs (b), (c) and (d) of this order, each manufacturer shall produce and ship sterilizer equip-

ment in accordance with his production and shipping schedule as approved or changed by the War Production Board, regardless of any preference rating which any order may bear or any order or regulation of the War Production Board.

(g) *Other allocation action.* With respect to sterilizer equipment, the War Production Board may, notwithstanding any other order, preference rating, or regulation of the War Production Board:

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

(2) Cancel orders placed with one manufacturer and direct that they be placed with another manufacturer.

(h) *Reports.* The reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. All persons affected by this order shall also file such other reports as may be required from time to time by the War Production Board, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

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

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

(m) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L-266.

SCHEDULE A

Permitted types	Permitted sizes ¹
Pressure sterilizer (cylindrical).	8" diameter by 16" Length 16" diameter by 24" Length 20" diameter by 28" Length 20" diameter by 36" Length 30" diameter by 54" Length

¹ A variation of not more than 10 per cent in the specified dimensions and capacities will be permitted.

SCHEDULE A—Continued

Permitted types	Permitted sizes
Pressure sterilizer (rectangular).	Any sizes with a capacity between 20,000 and 40,000 cubic inches
Pressure water sterilizer (single tank or pairs).	8 gallon capacity per tank 15 gallon capacity per tank 25 gallon capacity per tank
Non-pressure instrument sterilizer.	13" length by 5" width by 3 3/4" depth 16" length by 6" width by 4" depth 20" length by 10" width by 9" depth 22" length by 12" width by 10" depth
Non-pressure utensil sterilizer.	24" length by 16" width by 16" depth 24" length by 20" width by 20" depth
Baby bottle pasteurizer and sterilizer (36 bottles).	22" length by 12" width by 10" depth
Horizontal laboratory pressure sterilizer (cylindrical) (single pressure wall or double pressure wall).	16" diameter by 24" length 20" diameter by 28" length 20" diameter by 36" length
Vertical laboratory pressure sterilizer (cylindrical).	11" diameter by 24" length 14" diameter by 26" length
Bedpan steamer.	24" length by 16" width by 16" depth
Boiling type bedpan sterilizer.	24" length by 16" width by 16" depth
Bulk pressure sterilizer.	No restriction
Field sterilizer.	No restriction
Bedpan washer.	No restriction

Issued this 16th day of February 1944.

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

[F. R. Doc. 44-2272; Filed, February 16, 1944;
11:18 a. m.]

PART 3302—SERVICE EQUIPMENT¹

[Limitation Order L-222 as Amended
Feb. 16, 1944]

FLOOR SANDING, FLOOR FINISHING, FLOOR MAINTENANCE, AND RUG SCRUBBING MACHINES, INDUSTRIAL VACUUM CLEANERS, AND BLOWERS FOR CLEANING PURPOSES

§ 3302.26 Limitation Order L-222—

(a) *Definitions.* For the purpose of this order:

(1) "Floor finishing or floor maintenance machines" means any motorized or hand-powered mechanical device, designed for the purpose of floor finishing or maintenance. The term includes, but is not limited to, the types of machines on List A attached to this order as amended from time to time, and excludes independent motor-operated vacuum producing units, floor sanding machines and machines specifically designed for the manipulation of wet cement.

¹ Formerly Part 3123, § 3123.1.

(2) "Floor finishing" and "floor maintenance" include, but are not limited to, the operations of grinding, staining, sealing, scraping, oiling, waxing or polishing floors or decks, and the collection and removal of dust, grime, oil, reclaimable materials or refuse from floors or decks, either separately or in conjunction with the operations of washing, scraping, sterilizing and wiping floors or decks.

(3) "Floor sanding machines" means machines used for the smoothing of floors or decks, other than stone or tile floors, by the use of abrasives such as, but not limited to, sandpaper and steel wool.

(4) "Rug scrubbing machines" means both portable rug shampooing machines and portable rug scrubbing machines.

(5) "Industrial vacuum cleaners" means machines in which a combination of a motor operated vacuum producer (stationary or portable), an air impeller line and a portable tool with attachments is used primarily for the collection and removal by suction of dust, oil, reclaimable materials or refuse in either the wet or dry state. "Industrial vacuum cleaners" shall not include any vacuum cleaners designed primarily for household use or any motor operated vacuum producing units incorporated in floor sanding, floor finishing or floor maintenance machines.

(6) "Blowers" means combination blowers and exhausters, i. e., machines in which a combination of a motor operated air pressure producer, an air impeller line and a portable tool with attachments is normally used for the removal of dust, materials or refuse by air pressure. "Blowers" shall not include any machines used solely for the handling of air or other gaseous mixtures.

(7) "New machines" means any machines which have neither been used, sold, rented, nor lent for the purpose of being used but includes any machines which have been used only for demonstrations, trial loans, instruction or repair loans.

(8) "Supplies" means replaceable items, such as but not limited to, polishing brushes, cleaning brushes, sanding drums and discs, stones, hoses and bags, wand handles and similar attachments which are expended in the operations of floor sanding, floor finishing, floor maintenance, rug cleaning, vacuum cleaning and air pressure cleaning.

(9) "Manufacturer" means any person engaged in the fabrication or assembly of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers or of parts designed specifically for any of such machines. The term also includes wholesaling or retailing subsidiaries or divisions of such a person.

(10) "Distributor" means any person engaged in the business of selling, renting or lending of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers, other than a manufacturer.

(b) *Restrictions on production*—(1) *Floor sanding and floor finishing or floor maintenance machines.* Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new floor sanding, floor finishing or floor maintenance machines or parts for such new machines.

(2) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall, after August 5, 1943, fabricate or assemble any new rug scrubbing machines or parts for such new machines.

(3) Except as permitted by paragraph (b) (4) of this order, no manufacturer shall fabricate or assemble any new industrial vacuum cleaners or blowers, or parts for such new cleaners or blowers, except to the extent necessary to fill orders for new industrial vacuum cleaners or blowers authorized on Form PD-722, approved by the War Production Board on Form WPB-1843 (formerly PD-722) before May 16, 1944, or on Form WPB-1319. No application made on such form will be approved unless accompanied by an order rated AA-5 or higher or unless the applicant indicates a need for such machine justifying such rating.

(4) *Repair parts other than supplies.* During the calendar quarter commencing January 1, 1943, and during any calendar quarter thereafter, no manufacturer shall fabricate repair parts having an aggregate manufacturing cost in excess of 2 per cent of that manufacturer's total billed sales of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers during the calendar year of 1941.

(5) *Supplies.* The restrictions of paragraph (b) of this order shall not apply to the fabrication or assembly of supplies.

(6) *Exceptions.* The War Production Board may, from time to time, specifically authorize one or more manufacturers in writing to commence fabrication, to fabricate or to assemble specified quantities of machines and repair parts otherwise restricted by paragraph (b), or to perform any combination of the foregoing operations.

(c) *Restrictions on transfer.* (1) No manufacturer or distributor shall sell, rent, lend or deliver any of the following types of new machines without authorization on Form WPB-1843 (formerly PD-722) approved by the War Production Board prior to May 16, 1944, or on Form WPB-1319 approved by the War Production Board:

- (i) Drum type floor sanding machines making a 6-inch path or wider;
- (ii) Disc type floor sanding machine making a 10-inch path or wider;
- (iii) Drum type floor finishing or floor maintenance machines making a 6-inch path or wider;
- (iv) Disc type floor finishing or floor maintenance machines making a 10-inch path or wider;
- (v) Rug scrubbing machines;
- (vi) Industrial vacuum cleaners;
- (vii) Blowers.

Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration, all expired authorization forms shall be returned for cancellation to the War Production Board, Service Equipment Division, Washington, D. C., Ref.: L-222.

(2) Nothing in this paragraph (c) shall be construed to prohibit the sale, loan, rental or delivery of new machines from one manufacturer or distributor to another to fill an order, or part of an order, received by the latter which has been authorized by the War Production Board on Form WPB-1843 (formerly PD-722) on or before May 16, 1944, Form WPB-1319.

(d) *Procedure for authorization.* All persons making application for the authorization required by paragraph (c) hereof shall make such application on Form PD-722.

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

(2) Nothing in this order shall be construed to permit the production of any machines whose production is prevented by any other orders or regulations of the War Production Board, including § 3302.16, Limitation Order L-91, and Section 1176.1, Conservation Order M-126, as amended from time to time.

(f) *Reports.* On or before July 15, 1943, for the month of June, and on or before the 15th day of each month thereafter, for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor maintenance machines, new rug scrubbing machines, new industrial vacuum cleaners and new blowers shall file a monthly report on Form PD-723.

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

(h) *Reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942 all persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

NOTE: Paragraph (h) (2) deleted Feb. 16, 1944.

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

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

(k) *Communications.* All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.

Issued this 16th day of February 1944.

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

LIST A

Terrazzo grinders.
Waxing and polishing machines.
Disc type scrubbers, either wet or dry.
Drum type scrubbers, either wet or dry.
Combination scrubbers and water pickup.
Drum type sweepers.
Drum type scarifying machines.
Disc type scarifying machines.

[F. R. Doc. 44-2270; Filed, February 16, 1944;
11:18 a. m.]

Subchapter D—Office of the Rubber Director

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; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

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

[Rubber Order R-1, Appendix IV]

TIRE ALLOTMENT PLAN

(a) *What this order does.* This order places truck-bus tires, tractor-implement tires, and industrial tires under allocation and prescribes a procedure for the distribution of these products among claimant agencies on a quarterly basis.

For convenient reference, a summary of the "dead line" dates provided in the order as applied to any quarterly period, follows:

Dead Line	Action required	Paragraph
Feb-May-Aug-Nov.:		
1.....	Claimants' requirements.....	(d)(1)
1.....	Producer's production estimates.....	(c)
15.....	Allotments to Claimants.....	(d)(2)
20.....	Claimants' break-down between original equipment and replacement.....	(d)(3)
25.....	Production directive to producers.....	(e)
Mar-Jun-Sept-Dec.:		
1.....	Claimant's authorization to vehicle manufacturer.....	(g)
15.....	Vehicle manufacturer's certification to his supplier.....	(h)
20.....	Unplaced orders referred to ORD.....	(j), (n)(2)
20.....	Producers' open capacity reports.....	(k)
20.....	Placement of unplaced orders.....	(j), (n)(2)
Beginning of quarter.....	Frozen schedule.....	(p)

Definitions

(b) *Meaning of certain terms.* As used in this order:

(1) "Tires" means tires in the groups subject to allotment. These tire groups are defined in paragraph (d). Each group is divided into sub-groups.

(2) "Producer" means a manufacturer of tires in the groups subject to allotment.

(3) "Vehicle manufacturer" means a manufacturer of rubber-borne vehicles or equipment having tires in the groups subject to allotment as part of the original equipment.

(4) "Claimant agency" means any of the following Government Offices (identifying symbols are indicated):

Military Claimants

War Department (except Ordnance, which is identified by the Symbol (O))..... (W)
Navy Department..... (N)
Maritime Commission..... (M)
Aircraft Resources Control Office..... (C)
Foreign Economic Administration—Lend-Lease..... (L)
Foreign Economic Administration—Economic Warfare..... (E)

Indirect Military Claimants

Office of Defense Transportation—Office of Operations Vice Chairman..... (T)
War Food Administration..... (A)

¹ Claimant for rubber-borne off-the-highway and miscellaneous vehicles and equipment for civilian use. See Table 1.

Requirements, Capacities and Allotments

(c) *Forward estimates of production by producers.* Two months preceding the quarter to be covered by allotments to the claimant agencies or on or before February 1, May 1, August 1, November 1, each producer shall submit by letter to the Office of Rubber Director forward estimates of his production for the quarterly period in each of the groups and sub-groups set forth in the following paragraph. In addition, each producer shall submit similar forward estimates of his production for the following three quarterly periods.

(d) *Allotments to claimant agencies.* (1) Two months preceding the quarter to be covered by the allotment or on or before February 1, May 1, August 1, November 1, each claimant agency shall transmit to the Office of Rubber Director its total requirements for the quarterly period in each of the following groups and sub-groups:

Group A—Truck-bus tires:

- 1—Combat tires.
- 2—Extra large size tires, 16.00 and larger cross-section.
- 3—Large size tires, 9.00 through 14.00 cross-section.
- 4—Medium size tires (dual bead), all 10 ply up to and including 8.25 cross-section.
- 5—Small size tires (single bead), 8 ply and under.
- 6—Tires with 15 inch and 16 inch rim diameters, up to and including 7.50 cross-section.
- 7—Solid tires.

Group B—Tractor-Implement tires:

- 1—Rear tractor-implement tires.

Group C—Industrial tires:

- 1—Bogie rollers.
- 2—Pressed-on solid tires.
- 3—Cured-on solid tires.
- 4—Pneumatic industrial tires.

These requirements shall be divided between original equipment and replacement for each group and sub-group.

In addition, each claimant agency shall furnish to the Office of Rubber Director its estimated requirements for each group and sub-group for the following three quarterly periods.

(2) Upon the basis of requirements submitted by each claimant agency to the Office of Rubber Director, War Production Board will allot on or before the 15th day of the second month preceding the quarter to be covered by the allotment, to each claimant a quantity of tires by groups and sub-groups for the following quarterly period and shall also make tentative allotments to each claimant for the following three quarterly periods.

(3) Within 5 days after receipt of its allotment, each claimant agency shall furnish to the Office of Rubber Director a statement showing the break-down of its allotment by group and sub-group between original equipment and replacement.

(e) *Issuance of production directives to producers.* Not later than 10 days after the time prescribed in the preceding paragraph for the issuance of allotments to the claimant agencies, War Production Board will issue to each producer, a directive for the period covered by the allotments, prescribing the percentage of the producer's facilities by groups and sub-groups, allocated to the production of the following classes of orders:

(1) Vehicle manufacturers authorized by military claimants; (2) replacement by military claimants; (3) vehicle manufacturers authorized by indirect military claimants; (4) indirect military replacement.

"Indirect Military" refers to claimants not designated as military claimants in paragraph (b) (4).

(f) *Claimant Agency procurement under allotment.* No claimant agency shall accept delivery of any tires, which have not been specifically allotted to it. In the event that a claimant agency modifies its requirements so that its procurement in any group or sub-group will be less than its allotment for any quarter, it shall immediately notify the Office of Rubber Director.

Original Equipment

(g) *Notification to vehicle manufacturers.* (1) On or before the first day of the month preceding the quarter covered by its allotment, each claimant agency will, within its allotment, determine the number of tires by groups and sub-groups which may be shipped to each of its vehicle manufacturers during the quarterly period, and will authorize each vehicle manufacturer in writing to accept delivery of a specified number of tires. No vehicle manufacturer may accept delivery of tires for his production of vehicles or equipment unless he has been

specifically authorized to accept such delivery by the claimant agency.

(2) A claimant agency may transfer all or part of its allotment of tires to the appropriate War Production Board Divisions for distribution among vehicle manufacturers in accordance with this paragraph (g). In such event, however, the War Production Board Divisions will issue authorizations in writing to the vehicle manufacturers under the claimant agency symbol.

(3) Each claimant agency or War Production Board Division will furnish copies of its authorizations to the Office of Rubber Director.

(h) *Vehicle manufacturer's certification to his supplier.* Each vehicle manufacturer who has been authorized to accept delivery of tires in accordance with the preceding paragraph shall certify to his supplier not later than the 15th day of the month preceding the first month of the quarterly period in which shipments are to be made to him that he is authorized by the appropriate claimant agency to accept delivery of a specified number of tires. The certification shall be in substantially the following form signed by an authorized official:

Agency identification number of symbol ----- The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that he is authorized to accept delivery of the following tires by the claimant agency identified above for his production during the quarterly period commencing -----, 1944, and to use any preference rating applied or extended by him; that the monthly deliveries specified will not result at any time in an inventory exceeding 10 days' supply based upon his total authorized monthly production:

Size	Ply	Type	Quantity
The identification number shall consist of the appropriate claimant agency symbol followed by the major program number.			

No certification other than the above is required. The standard form of certification provided in Priorities Regulation No. 7 may not be substituted.

A single certification may be used for tires authorized by more than one claimant agency, provided the tires authorized by each agency are clearly identified.

(i) *Producers' shipments for original equipment.* (1) No producer may ship tires to a vehicle manufacturer unless the vehicle manufacturer certifies to him on or before the 15th day of the month preceding the quarter in which shipments are to be made, that he is authorized by the appropriate claimant agency to accept delivery of a specified number of tires during the quarterly period, in accordance with the preceding paragraph.

(2) Not more than 40% of the tires in any size or group authorized for shipment to a vehicle manufacturer during a quarterly period may be shipped in any calendar month during the period without specific authorization in writing by the Office of Rubber Director, War Production Board.

(j) *Unplaced certified orders of vehicle manufacturers.* Any vehicle manufacturer who is authorized to accept deliveries of tires and who has been unable to

place his certified order after he has made every effort to do so within the time prescribed by paragraph (h), shall refer the unplaced order to the Office of Rubber Director, War Production Board, on or before the 20th day of the month preceding the first month of the quarterly period. The Office of Rubber Director will endeavor to place any such order on the basis of open capacity reports received from producers, and in the event that such orders cannot be placed without adversely affecting the interests of one or more claimant agencies, disposition of unplaced orders shall be made in consultation with the claimant agencies affected.

Open Capacity Reports

(k) *Report by producer of his open capacity.* Each producer shall report to the Office of Rubber Director by letter, not later than the 20th day of the month preceding the first month of the quarterly period, the open capacity he has available for the production of tires in each group and sub-group, after making provision for the scheduling of all orders placed with him as of the last day for placement of orders for production during the quarter. This report shall be based upon the percentage allocation of his production facilities made by directive issued to him in accordance with paragraph (e).

Producers' Acceptance of Orders

(l) *Acceptance of orders after expiration of period for placement.* No producer shall accept any orders for tires after the 15th day of the month preceding the first month of the quarterly period for production during the quarter without specific authorization from the Office of Rubber Director, War Production Board, except orders for indirect military replacement. Within his percentage allocation of facilities for indirect military replacement, a producer may accept, produce and ship orders for indirect military replacement, provided the production or shipment of any such orders does not interfere with his frozen schedule as provided in paragraph (p).

(m) *Acceptance or fulfillment of orders in excess of authorized production.* No producer shall accept or fill any orders for tires for delivery in any quarterly period in excess of the percentage allocation of his facilities for the particular class of order established by his production directive issued under paragraph (e).

Claimant Agency Replacement

(n) *Replacement tires to claimant agencies; unplaced orders.* (1) A producer may produce and ship replacement tires to a claimant agency within the applicable percentage allocation of his facilities for replacement established by his production directive, provided not more than 40% of the tires in any size or group to be delivered to a claimant agency for replacement purposes during a quarterly period may be shipped in any calendar month during the period without specific authorization by the Office of Rubber Director, War Production Board.

(2) Any order for replacement tires which a claimant agency, after diligent effort on its part, is unable to place on or before the 15th day of the month preceding the first month of the quarterly period in which deliveries are requested, shall be referred by the claimant agency to the Office of Rubber Director within 5 days after the expiration of the period for placement of orders. The Office of Rubber Director will endeavor to place any such order on the basis of open capacity reports received from producers and in the event that the order cannot be placed without adversely affecting the interests of one or more claimant agencies, disposition of the unplaced order shall be made in consultation with the claimants affected.

Scheduling Provisions

(o) *Directions by military claimant agencies.* Within its allotment, each military claimant agency may issue the following written directions to a producer:

(1) Diverting a particular shipment of tires scheduled for its account by the producer from one vehicle manufacturer to another or for replacement purposes (or vice versa).

(2) Changing tire sizes to be produced for its account by a producer within a particular sub-group, provided neither the productive capacity required nor the total number of tires to be produced is increased by the change.

This paragraph does not apply to original equipment tires which have been allotted to vehicle manufacturers by the appropriate War Production Board Division on behalf of a military claimant, in which case action may be taken only under paragraph (q) upon recommendation of the appropriate War Production Board Division to the Office of Rubber Director.

Copies of directions issued under this paragraph should be transmitted to the Office of Rubber Director, War Production Board.

(p) *Frozen production schedule.* On the first day of the quarterly period, each producer's production schedule shall become a frozen schedule within the meaning of Priorities Regulation No. 18 for the quarterly period, and may not be altered except as provided in that regulation. Written directions may, however, be issued by a claimant agency in accordance with paragraph (o).

The following orders shall automatically become part of a producer's frozen schedule:

(1) Orders for original equipment tires which have been certified under paragraph (h) and which the producer has accepted and agreed to ship during the quarter.

(2) Orders placed with him by the Office of Rubber Director, War Production Board on the basis of his open capacity report for the quarterly period.

(3) Orders for replacement tires which he has accepted and agreed to fill during the quarterly period.

(q) *Other scheduling provisions.* With respect to the production or shipment of tires, the War Production Board may notwithstanding any other order, pref-

erence rating, directive, rule, or regulation (except Priorities Regulation No. 18) of the War Production Board or other Governmental agency:

(1) Direct the return or cancellation of any purchase order on the books of a producer.

(2) Direct changes in the production or shipping schedule of a producer.

(3) Cancel purchase orders placed with one producer and direct that they be placed with another producer.

Miscellaneous Provisions

(r) *Effect of preference ratings.* Within the percentage allocation of his facilities for each class of order, a producer shall accept orders without regard to preference ratings. Receipt of higher rated orders after acceptance of lower rated orders of the same class does not furnish any basis for rejecting the lower rated orders, even though it means that the higher rated orders must be refused because the allocation of the producer's facilities applicable to orders of that class has been filled.

The above applies only to the acceptance of orders (certified in the case of vehicle manufacturers) during the period for placement which expires on the 15th day of the month preceding the quarter.

In arranging the sequence of production and shipments of orders in each tire sub-group after the period for placing orders has expired, the producer shall be governed by Priorities Regulation No. 1, unless otherwise directed in writing by the Office of Rubber Director, War Production Board under the provisions of this order.

(s) *Status of unfilled orders at end of quarter.* Unless authorized in writing by the Office of Rubber Director, War Production Board, no producer shall carry over any order which he has accepted for delivery during a particular quarter and which he has been unable to produce and ship during that quarter to the following quarter. Any vehicle manufacturer whose certified order was not produced and shipped during the quarterly period for which it was accepted, should refer his unfilled order to the claimant agency or War Production Board Division from which he received his authorization.

(t) *Duplication of orders.* No purchaser of tires shall duplicate an order for tires in any group or sub-group even though he intends to cancel or reduce his orders to the authorized or allotted amount prior to delivery.

(u) *Use of producer's interchangeable facilities.* A producer shall use his interchangeable facilities in accordance with List 6, Appendix II, Rubber Order R-1 as amended.

(v) *Farm machinery.* No "producer" of farm machinery and equipment (as defined in Order L-257) shall use for original equipment purposes any pneumatic tires allotted to him under this order except for the following items of equipment within his quota under Orders L-257 and L-257a.

(1) Wheel type tractors including garden type.

(2) Combines.

(3) Pick-up hay balers and field hay harvesters.

(4) Corn pickers.

(5) Power sprayers over 10 gallons per minute.

(w) *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(x) *Appeals.* Any appeal from the provisions of this order shall be made in writing to the Office of Rubber Director, War Production Board, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(y) *Communications.* All reports required to be filed under this order and all communications concerning this order shall, unless otherwise directed, be addressed to the Production and Priorities Department, Office of Rubber Director, War Production Board, Washington 25, D. C., Reference: Order R-1.

Issued this 16th day of February 1944.

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

TABLE I

Office of Operations Vice Chairman is designated as the claimant for the following programs to the extent that they involve the manufacture of rubber-borne vehicles or equipment (indirect military only) having tires in the groups subject to allotment as part of the original equipment:

Program:	Symbol
Cranes, shovels, hoists, and drilling machinery.....	B-8
Tractors and tractor-mounted construction equipment.....	B-9
Construction machinery, other.....	G-1
Industrial equipment.....	J-5
Safety and technical equipment.....	J-6
Mining equipment.....	J-7
Off-the-highway vehicles.....	S-9

Office of Operations Vice Chairman is also designated as claimant for replacement tires for the following rubber-borne vehicles and equipment (indirect military only):

Off-the-highway vehicles and equipment.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 44-2256; Filed, February 16, 1944; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 6-2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CHICAGO REGION

In the judgment of the Regional Administrator, the prices of food and beverages sold for immediate consumption in Region VI have risen in some instances to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator for Region VI, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the act. So far as practicable, the Regional Administrator gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living," 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Administrator for Region VI hereby issues this Restaurant Maximum Price Regulation No. 6-2 establishing, in general, as maximum prices for food and drink sold for immediate consumption in the states of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin and Illinois, except the counties of Cook, Du Page, Kane, Lake and McHenry, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.502 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator for Region VI by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 6-2 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is issued.

AUTHORITY: § 1448.502 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 6-2—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN REGION VI

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4. How you figure your prices for seasonal items.
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*Copies may be obtained from the Office of Price Administration.

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SECTION 1. Sales at higher than maximum prices prohibited. If you own or operate a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "Food Item" (including any beverage) or "meal" at a price higher than the maximum price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than maximum prices.

Sec. 2. How you figure maximum prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943. (a) Your maximum price for any food item or meal other than a bakery product, which you offered in the seven-day period beginning Sunday April 4, 1943, and ending April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

(b) Your ceiling price for any bakery product sold separately and not as part of a meal, is the highest price charged during the seven-day period, plus the amount, if any, by which the cost of such bakery product has been increased by your customary supplier after April 10, 1943 and before November 15, 1943.

Sec. 3. How you figure maximum prices for food items and meals you did not offer in the seven-day period. You must figure your maximum price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your maximum price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established maximum prices, choose a food item or meal which currently has a raw food cost

equal to or less than the new food item or meal.

(3) Take as your maximum price for the new food item or meal your maximum price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. (See sections 20 and 21 for definitions and classes of food items and meals.) If, however, you have no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) If you are unable to determine a maximum price for a new food item or meal according to paragraphs (a) or (b), then your maximum price is a price which is in line with your maximum prices for other food items or meals in the next higher cost range. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other. In comparing values, quality, size of portions and the margin over food cost, are the things that count. A price established under this paragraph must always be lower than the price for the food item or meal used as the basis for computing the "in line" price.

(d) Once your maximum price for a food item or meal has been fixed, it may not be changed, except as provided in section 4.

Sec. 4. How you figure your prices for seasonal items. First, determine your maximum price for a "seasonal food item" (defined in section 20 (e) in accordance with the appropriate rule of sections 2 and 3 of this regulation). Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided*, That in no event shall the price be higher than the maximum price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your maximum price according to this rule provided the maximum price was based upon estimated average raw food cost of the item for the entire season.

Sec. 5. No maximum price for any food item or meal to be higher than the highest maximum price for a food item or meal of the same class offered in the five-week period beginning March 7, 1943 and ending April 10, 1943. Under no circumstances are you permitted to charge a higher price for a new food item or meal than your highest price for food items or meals of the same class offered in the five-week period beginning March 7, 1943 and ending April 10, 1943.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 (a), class 25.

Sec. 6. Holiday differentials. Notwithstanding the provisions of the foregoing section, any proprietor who has, customarily, in the regular course of his business, charged higher prices for food items or meals on holidays, such as New

Year's Eve, Thanksgiving Day, Labor Day, etc. may continue to maintain his customary differentials.

Sec. 7. Substitution of food items in meals. If you have already determined your maximum price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your maximum price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its maximum prices in accordance with the rules established by section 3.

Sec. 8. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to spend more for meals than they did during the seven-day period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class served on any day during the seven-day period without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. (Note that Sunday meals and week-day meals are meals of different classes.)

(b) Fail to offer at least as many different meals at (or below) the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Sec. 9. Evasion. (a) You must not evade the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making appropriate reductions in price. For any change in quantity or quality resulting in a cost saving, you shall reduce your maximum price by an amount which is proportionate to the saving in cost. (You must maintain a raw food cost ratio at least equal to such ratio prior to the deterioration or reduction);

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or increasing any additional charge for the sale of a food item or meal to be consumed off the premises, or making such charges when they were not in effect in the seven-day period, except that a cover or minimum charge in effect during the seven-day period may be increased in accordance with

customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Discontinuing a no-tipping practice without a compensating reduction in your maximum prices;

(5) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the seven-day period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(6) Reducing the selection of meals offered at table d'hôte prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hôte price for the complete meal or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal, and when necessitated by the restrictions of the rationing program, you may vary the size of such pat of butter.

(3) You may limit the amount of cream served with any food item or meal or you may substitute milk for cream when either action is necessitated by the restrictions of any War Food Administration distribution order or other allocation or rationing regulation.

(4) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(5) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit or other similar food items with which sugar is served, to but not less than, one teaspoonful, except that less may be served if your available supply is not adequate.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish the curtailed item at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 10. *Rules for proprietors not in operation during the seven-day period.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same maximum prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to your District Office for permission to

price under paragraph (b) or (c) of this section. If such permission is granted, it may be subject to such conditions as the Director of the appropriate District Office of the Office of Price Administration deems necessary in order to insure that maximum prices are established in line with those prevailing during the period April 4 to 10, 1943.

(b) If you were not in operation during the seven-day period, you must fix maximum prices in line with the maximum prices of the nearest eating or drinking place of the same type as yours. If the maximum prices thus fixed are not so in line, the Director of the appropriate District Office of the Office of Price Administration may issue an order requiring you to reduce your maximum prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

(c) If you cannot price under paragraphs (a) or (b) above, you must apply for a price to the appropriate District Office. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(1) Your name and address.
(2) A brief description of your business and the manner of operation.

(3) The menus or price lists required to be filed under section 12 (b) and, if you are a seasonal operator, the prices you charged during a representative week of your last season.

(4) The date when you plan to commence operations.

(5) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Director of the appropriate District Office of the Office of Price Administration prior to the date specified for the commencement of operations. The Director may, at any time, after proper investigation and hearing, establish maximum prices for your business in line with the maximum prices established under this regulation for eating and drinking places in the area covered by this regulation.

SEC. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax (including the Illinois Retailers Occupational Tax) separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. *Records—(a) Filing of menus.* General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* The proprietor of an eating or drinking place

which was not open during the seven-day period (including newly opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4 to 10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged during such seven-day period.

(d) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus, you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning March 6, 1944, each menu must have clearly and plainly written on or attached to it the following statement:

All prices are our ceiling prices or below. By OPA regulation, our ceilings are based on our highest prices from April 4 to 10, 1943. Our menus or price lists for that week are available for your inspection.

If you were not in operation during the seven-day period April 4 to 10, 1943, substitute the following statement:

All prices are our ceiling prices, or below. By OPA regulation, our ceilings as a new proprietor are in line with competitive prices from April 4-10, 1943. Our menus or price lists for our first week of operation are available for your inspection.

If you do not use menus, you must post the first statement quoted above at a place or places where it can easily be read by your customers.

(b) If you do not use menus, you must post your prices for food items and meals currently offered by you at a place or places where they can easily be read by your customers.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do every-

thing required by this regulation for each place separately except as provided in section 12 (c).

SEC. 15. Relation to other maximum price regulations. The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, heretofore issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the seven-day period of this regulation shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case, the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 16. Geographical application. This Restaurant Maximum Price Regulation No. 6-2 applies to the states of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin and Illinois, except the counties of Cook, Du Page, Kane, Lake and McHenry.

SEC. 17. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended, and to administrative suspension order proceedings under any applicable rationing orders and Procedural Regulation No. 4.

SEC. 18. Exempt sales. Sales by the following eating or drinking places, or persons, are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars; peddlers aboard railroad cars traveling from station to station; and newsstands located on the premises of a railroad station.

(d) Eating and drinking places operated by a school, college, university or other educational institution or a students' fraternity or other students' organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking.

(e) Eating cooperatives formed by officers in the Armed Forces (as for example, Officers' Mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual), which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales which are made to officers who are members of the cooperative.

(f) Bona-fide private clubs which file with the appropriate District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells food items and meals only to members and bona-fide guests of members;

(3) Its members pay dues of more than a merely nominal amount (the amount of dues paid by each class of members and the period covered by such dues should be indicated) and are elected to membership by a governing board, membership committee, or other body; and

(4) It is otherwise operated as a club.

Five days after filing such information or earlier if so notified by the District Director, a private club may consider itself exempt unless and until it is otherwise notified by the District Director.

Any club which subsequent to such filing, changes its operations with respect to any of the requirements stated above shall immediately notify the appropriate District Office accordingly. Any club which sells food items or meals to persons other than members and bona-fide guests of members is subject to this regulation with respect to all sales.

SEC. 19. Adjustments. (a) Each District Director of the Office of Price Administration may adjust the maximum prices for any eating establishment located in his District under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operations; and

(2) It is determined with reasonable certainty that such discontinuance will result in a serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation; or

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much as or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfied the requirements specified above, you may apply for an adjustment of your maximum prices by submitting in duplicate to the appropriate District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served), and such other information as may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

(7) Such other information as the District Director may reasonably require to ascertain the facts called for by section 19 (a).

SEC. 20. Definitions and explanations.

(a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese. See section 21 (b) for "classes of meals." Two "meals" may be considered the "same" only if they consist of identical combinations of food items, and belong to the same class of meals.

(c) "Offered" means offered for sale for consumption in or about the eating or drinking place, and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese. Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 21 (a) for "classes of food items.") For example: Lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish, such as oysters; certain fresh fish, such as salmon, trout and shad; certain vegetables, such as summer squash; and certain fruits, such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 20.)

(a) *The classes of food items.* For the purposes of this regulation, there shall be thirty-six classes of food items:

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees; egg and combination egg dishes served at breakfast.
4. Entrees; meat and meat combination dishes served at breakfast.
5. Entrees; all other dishes served at breakfast.
6. Breads, rolls, buns, Danish pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef; steaks and roasts.
11. Veal; steaks, chops and roasts.
12. Pork; loin, chops, steaks, roasts.
13. Lamb or mutton; chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Stews, casseroles, ragouts, curries and similar prepared dishes.
19. Egg and cheese dishes and combinations.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts; cakes, cookies, pies, pastries, and other baked goods.
24. Desserts; sherbets, ice cream, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts; seasonal dessert specialties such as watermelon and cantaloupe.
26. Desserts; all others, including fruits, pudding and cheese.
27. Cold sandwiches; including garnishings, salads and vegetables.
28. Hot sandwiches; including garnishings, salads and vegetables.
29. All other food items served in a meal, including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

31. Nonalcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation, there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, each District Director of the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers located in his district when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. *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.

Under Licensing Order No. 1, a license is automatically granted without application by the seller.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended, or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator for Region VI.

This regulation shall become effective March 6, 1944.

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

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 15th day of February 1944.

RAE E. WALTERS,
Acting Regional Administrator.

[F. R. Doc. 44-2244; Filed, February 15, 1944;
4:46 p. m.]

PART 1340—FUEL

[MPR 436, Amdt. 9]

CRUDE PETROLEUM IN CERTAIN NEBRASKA AREAS

A statement of the considerations involved in the issuance of this amend-

¹8 F.R. 11869.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 (n) is added to read as follows:

(n) *Nebraska*—(1) *Falls City Field and Barada Field.* The maximum price at the receiving tank for crude petroleum produced in the Falls City Field and the Barada Field, Richardson County, Nebraska, shall be as follows:

API gravity:	Dollars per 42 gallon barrel
Below 21.....	0.85
21-21.9.....	.87
22-22.9.....	.89
23-23.9.....	.91
24-24.9.....	.93
25-25.9.....	.95
26-26.9.....	.97
27-27.9.....	.99
28-28.9.....	1.01
29-29.9.....	1.03
30-30.9.....	1.05
31-31.9.....	1.07
32-32.9.....	1.09
33-33.9.....	1.11
34-34.9.....	1.13
35-35.9.....	1.15
36-36.9.....	1.17
37-37.9.....	1.19
38-38.9.....	1.21
39-39.9.....	1.23
40 and above.....	1.25

This amendment shall become effective February 21, 1944.

(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 16th day of February 1944.
CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2279; Filed, February 16, 1944;
11:36 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 16]

PEANUT OIL

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

Maximum Price Regulation No. 53 is amended in the following respects:

1. In section 4.1 (b) the text preceding the table is amended to read as follows:

(b) Refined peanut oil produced from the 1942-43 peanut crop—delivered in tank cars, as follows:

2. A new section 4.1 (c) is added to read as follows:

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

¹8 F.R. 11150, 11508, 11296, 11739, 12022, 12549, 12559, 12873, 15523, 15670, 17227; 9 F.R. 540, 795, 1054, 1522, 1574.

(c) Refined peanut oil produced from the 1943-44 peanut crop or any subsequent peanut crop—delivered in tank cars, as follows:

[Cents per pound]

	Refined un-bleached and undeodorized	Refined bleached and undeodorized	Refined deodorized and unbleached	Deodorized white (bleached) refined peanut oil	Hydrogenated peanut margarine oil	High titre hydrogenated peanut oil
Albany, N. Y.	14.69	14.83	14.92	15.06	15.78	15.83
Atlanta, Ga.	14.31	14.45	14.54	14.68	15.40	15.45
Baltimore, Md.	14.60	14.74	14.83	14.97	15.69	15.74
Boston, Mass.	14.68	14.82	14.91	15.05	15.77	15.82
Buffalo, N. Y.	14.72	14.86	14.95	15.09	15.81	15.86
Charlotte, N. C.	14.43	14.57	14.66	14.80	15.52	15.57
Chattanooga, Tenn.	14.48	14.62	14.71	14.85	15.57	15.62
Chicago, Ill.	14.57	14.71	14.80	14.94	15.66	15.71
Cincinnati, Ohio	14.57	14.71	14.80	14.94	15.66	15.71
Columbus, Ohio	14.62	14.76	14.85	14.99	15.71	15.76
Cudahy, Wis.	14.59	14.73	14.82	14.96	15.68	15.73
Dallas, Tex.	14.16	14.30	14.39	14.53	15.25	15.30
Denison, Tex.	14.20	14.34	14.43	14.57	15.29	15.34
Denver, Colo.	14.62	14.76	14.85	14.99	15.71	15.76
El Paso, Tex.	14.49	14.63	14.72	14.86	15.58	15.63
Fort Worth, Tex.	14.18	14.32	14.41	14.55	15.27	15.32
Houston, Tex.	14.22	14.36	14.45	14.59	15.31	15.36
Indianapolis, Ind.	14.54	14.68	14.77	14.91	15.63	15.68
Jacksonville, Fla.	14.41	14.55	14.64	14.78	15.50	15.55
Kansas City, Mo.	14.43	14.57	14.66	14.80	15.52	15.57
Los Angeles, Calif.	14.84	14.98	15.07	15.21	15.93	15.98
Louisville, Ky.	14.53	14.67	14.76	14.90	15.62	15.67
Macon, Ga.	14.31	14.45	14.54	14.68	15.40	15.45
Memphis, Tenn.	14.33	14.47	14.56	14.70	15.42	15.47
New Orleans, La.	14.40	14.54	14.63	14.77	15.49	15.54
New York, N. Y.	14.64	14.78	14.87	15.01	15.73	15.78
Oklahoma City, Okla.	14.31	14.45	14.54	14.68	15.40	15.45
Philadelphia, Pa.	14.62	14.76	14.85	14.99	15.71	15.76
St. Louis, Mo.	14.48	14.62	14.71	14.85	15.57	15.62
San Antonio, Tex.	14.22	14.36	14.45	14.59	15.31	15.36
San Francisco, Calif.	14.84	14.98	15.07	15.21	15.93	15.98
Savannah, Ga.	14.39	14.53	14.62	14.76	15.48	15.53
Seattle, Wash.	14.84	14.98	15.07	15.21	15.93	15.98
Sherman, Tex.	14.18	14.32	14.41	14.55	15.27	15.32
Terre Haute, Ind.	14.52	14.66	14.75	14.89	15.61	15.66

(1) The usual or normal differentials above or below these delivered prices, shall apply to all other destinations.

(2) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(3) The usual or normal differentials for type of container shall continue to apply.

3. Section 4.2 is amended to read as follows:

SEC. 4.2 Refined peanut oil produced from the 1942-1943 peanut crop and sold for industrial use. When refined peanut oil produced from the 1942-1943 peanut crop is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for such oil by section 4.1 (b) hereof.

This amendment shall become effective February 21, 1944.

(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 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2280; Filed, February 16, 1944; 11:36 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS
[MPR. 512]

ICELAND HERRING

In the judgment of the Price Administrator, the establishment of the maximum prices fixed by this regulation is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 512 (Iceland Herring), which is annexed hereto and made a part hereof, is hereby issued.

maximum prices fixed by this regulation is necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

The Price Administrator has consulted and advised with representative members of the industry which will be affected by the regulation. In the judgment of the Price Administrator the prices established are generally fair and equitable and will effectuate the purposes of the act. The prices established are not below the average prices for these types of sales in the year 1941.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected, or insofar as they were not in general use, their use is essential to effectuate price control, and there is no effective alternative.

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

§ 1364.353 *Maximum prices for sales of Iceland herring.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 512 (Iceland Herring), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.353 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

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

MAXIMUM PRICE REGULATION No. 512—ICELAND HERRING

ARTICLE I—EXPLANATION OF THIS REGULATION

Sec.

1. What this regulation does.
2. Relation to other regulations.
3. Applicability of this regulation.

ARTICLE II—PRICES AND PRICING METHODS

4. Maximum prices for Iceland herring.
5. Notification of new maximum price.

ARTICLE III—RECORD KEEPING REQUIREMENTS AND COMPLIANCE

Sec.

6. Records and reports.
7. Prohibition against selling or buying above maximum prices.
8. Evasion.
9. Enforcement.
10. Licensing.

ARTICLE IV—MISCELLANEOUS PROVISIONS

11. Petitions for amendment.
12. Adjustable pricing.
13. Definitions.

ARTICLE I—EXPLANATION OF THIS REGULATION

SECTION 1. What this regulation does. This regulation fixes maximum prices for sales of Iceland herring by importers.

SEC. 2. Relation to other regulations. The provisions of this regulation supersede the provisions in the General Maximum Price Regulation¹ and Maximum Price Regulation No. 421 with respect to sales of Iceland herring by importers. Maximum Price Regulation No. 421 now applies only to sales of Iceland herring by wholesalers who are not importers.

SEC. 3. Applicability of this regulation. The provisions of this regulation shall not be applicable to sales or deliveries of Iceland herring to a purchaser, if prior to February 21, 1944, such Iceland herring have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

ARTICLE II—PRICES AND PRICING METHODS

SEC. 4. Maximum prices for Iceland herring. (a) The maximum prices for sales of Iceland herring by an importer are set out below. Except for service and delivery sales to retailers or purveyors of meals the prices are f. o. b. the seller's warehouse. The prices for service and delivery sales are prices for sales to retailers and purveyors of meals on a delivered basis to the customers' usual receiving point. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes. An importer may add the actual cost of transportation from the port of entry to the importer's warehouse where his warehouse is not at that port. In no case may the rate exceed the carload rail freight rate.

¹ 8 F.R. 3096, 3849, 4347, 4466, 4724, 4973, 4848, 6047, 6962, 8511, 9025, 9091, 11955.

ICELAND HERRING

Sales to persons other than purveyors of meals or retailers	Sales to retailers or purveyors of meals	
	Service and delivery	Cash and carry
Matjes herring:		
(a) Barrels—containing 250 lbs. of herring \$33.25	\$37.75	\$36.25
(b) Half-barrels—containing 125 lbs. of herring \$17.75	20.00	19.25
Headless herring:		
(a) Barrels—containing 250 lbs. of herring \$31.50	36.00	34.50
(b) Half-barrels—containing 125 lbs. of herring \$16.75	19.00	18.25

(b) *Containers.* For container sizes not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration. Such determination shall be made upon written request addressed to the Office of Price Administration, Washington, D. C. and accompanied by a sworn statement showing costs and usual differentials.

SEC. 5. *Notification of new maximum price.* With the first delivery after February 20, 1944, of any item for which a price is determined pursuant to this regulation, the seller determining his maximum prices under this regulation shall supply each wholesaler and retailer who purchases from him with the following written notice:

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade and container, type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after February 20, 1944. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422, or 423 whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

ARTICLE III—RECORD KEEPING REQUIREMENTS AND COMPLIANCE

SEC. 6. *Records and reports.* (a) Every person making a sale subject to this regulation and every person in the course of trade or business making a purchase of Iceland herring subject to this regulation or otherwise dealing therein, after February 20, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his customary records including complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and of the seller, the price con-

tracted for or received, the quantity and kind of Iceland herring.

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Prohibition against selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver, or buy or receive in the course of trade any Iceland herring at a price higher than the maximum price established for it by this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

However, prices lower than the maximum prices may be charged and paid.

SEC. 8. *Evasion.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall directly or indirectly charge or receive for Iceland herring a price higher than the maximum price permitted by this regulation, whether by commission, service, transportation, container, packaging or other charge or discount, premium or other privilege; no person shall as a condition of selling any Iceland herring, subject to this regulation, require a purchaser to buy any other product.

SEC. 9. *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension provisions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *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. A seller's license may be suspended for violation of the license or 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.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised

Procedural Regulation No. 1² issued by the Office of Price Administration.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Definitions.* When used in this maximum price regulation the term: "Headless herring" means Iceland herring which has been beheaded and eviscerated and then lightly salted.

"Iceland herring" means Atlantic sea herring which has been processed in and shipped from Iceland.

"Importer" means any person who is the ultimate consignee in the United States of Iceland herring.

"Matjes herring" means Iceland herring from which the gills and viscera have been removed without splitting (gibbed) and which has then been lightly salted (mild cured).

"Purveyor of meals" means a person supplying meals for a consideration.

"Retailer" means a person who sells for the most part to the ultimate consumer and who is not a commercial, industrial or institutional user.

"Wholesaler" means a person, the larger part of whose business is the purchase of food products for resale and the distribution from his warehouse without materially changing the form of such food products to independent retail stores or to commercial, industrial or institutional users.

Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Effective date. This regulation shall become effective February 21, 1944.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2281; Filed, February 16, 1944;
11:35 a. m.]

27 FR. 8961; 8 FR. 3313, 3533, 6173.

PART 1429—POULTRY AND EGGS

[MPR 333, Amdt. 21]

EGGS AND EGG PRODUCTS

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

Maximum Price Regulation 333 is amended in the following respects:

1. A new § 1429.65 (z) is added to read as follows:

(z) *Solids and palatability in dried whole eggs.* "Percent of solids" or "percentage in solids", when used in connection with dried whole eggs means the percentage in total egg solids of a lot of dried whole eggs as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, pages 297 and 298, under "Total Solids".

(1) "Palatability", when used in connection with dried whole eggs means the degree to which a representative sample of a lot of dried whole eggs is pleasing to human taste when reconstituted and coagulated as provided in the order of the War Food Administrator promulgated and published in Title 7, Volume 9, Number 27 of the FEDERAL REGISTER of February 8, 1944, page 1499. Such "palatability" shall be determined in accordance with tests prescribed by the War Food Administrator and shall be evidenced by "palatability scores" as provided in such order of the War Food Administrator.

2. There is added to Table H in § 1429.74 (d) the following provisions:

The above maximum prices for dried whole eggs are the maximum base prices for all sales and deliveries of such product in the cities named without regard to "percentage in solids" or "palatability score" except those sales and deliveries to the United States or any agency thereof under contract in which the lot sold or delivered has 96 percent or more in solids and a palatability score of 7 or more.

3. A new § 1429.74 (f) (1) is added to read as follows:

(1) Where the lot of dried whole eggs sold to the United States or any agency thereof under contract has a percentage in solids within a range of percentages in solids indicated below there may be charged in the particular sale the increase in cents per pound above the maximum price determined for less than 96 percent solids, shown opposite the particular range below:

Percentages in solids:	Permitted increase in cents per pound
96 to 96.49 inclusive.....	\$0.0075
96.50 to 96.99 inclusive.....	.0150
97 to 97.49 inclusive.....	.0225
97.50 and up.....	.03

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

18 F.R. 2458, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9879, 11381, 12095, 12478, 12636, 14093, 14400, 14855, 15459, 16199, 16999, 17485.

4. A new § 1429.74 (f) (2) is added to read as follows:

(2) Where the lot of dried whole eggs sold to the United States or any agency thereof under contract has a palatability score within a range of palatability scores indicated below there may be charged in the particular sale the increase in cents per pound above the maximum price determined for palatability scores less than 7, shown opposite the particular range below:

Palatability score:	Permitted increase in cents per pound
7 or more but less than 7.5.....	\$0.003
7.5 or more but less than 8.....	.01
8 or more.....	.015

This amendment shall become effective March 1, 1944.

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

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2277; Filed, February 16, 1944; 11:33 a. m.]

PART 1429—POULTRY AND EGGS

[MPR 333, Amdt. 22]

EGGS AND EGG PRODUCTS

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

Maximum Price Regulation 333 is amended in the following respects:

1. Table E of § 1429.70 (e) is amended insofar as it relates to maximum base prices for the egg products therein named for the month of March 1944 in basing point cities, to read as follows:

MARCH	
Whole frozen and reconstituted eggs.....	32
Frozen whites.....	24
45% yolks.....	45.5
Sugared and salted yolks (10% sugar or salt).....	40.2

2. Table F of § 1429.70 (g) is amended insofar as it relates to maximum base prices for the egg products therein named for the month of March 1944 in Kansas City, Missouri, to read as follows:

MARCH	
Whole frozen and reconstituted eggs.....	30.6
Frozen whites.....	22.6
45% yolks.....	44.1
Sugared and salted yolks (10% sugar or salt).....	38.8

This amendment shall become effective March 1, 1944.

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

Issued this 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2278; Filed, February 16, 1944; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 92]

RECONDITIONED VALVES AND USED VALVES

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

Section 6.33 is amended to read as follows:

Sec. 6.33 *Maximum prices for sales of reconditioned valves and used valves.*

(a) On and after the 21st day of February, 1944, regardless of any contract, agreement, lease, or other obligation, no person shall sell, and no person in the course of trade or business shall buy any reconditioned valve or used valve at prices in excess of the following maximum prices:

(1) *Reconditioned valves.* The maximum price for any reconditioned valve shall not be in excess of the amount determined by either of the following methods:

(i) 80 percent of the original manufacturer's net price to jobbers for the new valve;

(ii) 80 percent of any other manufacturer's net price to jobbers for the new valve of identical type; or

(iii) 50 percent of the original manufacturer's recommended resale price for the new valve;

(iv) 50 percent of any other manufacturer's recommended resale price for a new valve of identical type.

(2) *Used valves.* The maximum price for any used valve shall not be in excess of the amount determined by either of the following methods:

(i) 40 percent of the original manufacturer's net price to jobbers for the new valve;

(ii) 40 percent of any other manufacturer's net price to jobbers for a new valve of identical type; or

(iii) 25 percent of the original manufacturer's recommended resale price for the new valve;

(iv) 25 percent of any other manufacturer's recommended resale price for a new valve of identical type.

(b) *Definitions.* As used herein the term:

"Manufacturer's recommended resale price" means the manufacturer's published list price less the applicable published base resale discount (resale sheet) recommended by the manufacturer to be extended by jobbers on sales to consumers during the period October 1 to October 15, 1941.

"Valve" means any manually or motor-operated device designed to regulate, direct, or stop the movement of any liquid, gas, or vapor, in a piping system, tank, or any other restricted area, and includes, but is not limited to, angle, check, cross, gate, globe, or plug valve, or any evolution of these basic types.

"Reconditioned valve" means any used valve which has been subjected to the following reconditioning steps:

(1) The valve has been completely disassembled;

(2) The valve's operating mechanism has been thoroughly examined with particular attention to the seat;

(3) All defective or worn parts have been replaced with new parts;

(4) The valve has been reassembled and painted;

(5) A hydrostatic test at double the rated water working pressure of the valve has been applied and the valve was found to be free from leaks, defects, and in free working order.

"Used valve" means any valve which had been, at any time, incorporated into or connected to a piping system, machinery, or operating mechanism, and which has not been reconditioned as set forth above.

"Manufacturer's net maximum price to jobbers" means the manufacturer's published list price less the applicable published ("J" sheet) discount extended by the manufacturer on sales to jobbers during the period October 1-15, 1941.

(c) *Discounts and allowances.* The maximum prices established in paragraph (a) above shall be subject to at least the same cash discounts extended by the seller during the month of March 1942, to his various classes of customers.

(d) *Delivery.* The maximum prices established in paragraph (a) above are f. o. b. seller's usual place of business, but shall include free local delivery within customary free local delivery zones recognized as such by the seller during the month of March 1942.

(e) *Tagging requirements.* Every person selling a reconditioned valve under this section 6.33, must attach to each valve a tag having substantially the following guarantee printed thereon:

This valve has been reconditioned in accordance with the provisions of section 6.33 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation and this valve is fully guaranteed to operate at the working pressures for which it was originally designed.

(f) *Installed sales.* The sale of a reconditioned valve or a used valve on an installed basis is not covered by this section. Such a sale is covered by the applicable Maximum Price Regulation.

(g) *Notification of purchasers of existence of this section 6.33.* Every person selling reconditioned valves or used valves subject to this section shall, before making an initial sale to each purchaser, notify each purchaser of the existence of this section and, upon request of such purchaser, make available a copy of it for examination.

(h) *Records.* Every person selling reconditioned valves or used valves subject to this section, shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of each sale made under this section showing the date of the sale, the name and address of the purchaser, the manufacturer's plate number of the original valve, the list price of the original valve, the discount extended, as published by the manufacturer in the "J" discount sheet or "Resale" discount sheet, the further discount allowed by the seller as set forth in paragraphs (a) and (c) and the point of delivery of the shipment.

(i) *Reports.* All persons making sales subject to the provisions of this section shall submit such reports as the Office of Price Administration may at any time request, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(j) *Geographical applicability.* This section 6.33 applies only in the 48 states of the United States and the District of Columbia.

This Amendment No. 92 shall become effective February 21, 1944.

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

(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 16th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2282; Filed, February 16, 1944;
11:36 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CON- TROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

WAIVER OF COMPLIANCE WITH CERTAIN PROVISIONS

The Acting Secretary of the Navy having by order dated October 1, 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.

Now therefore, I hereby find it to be necessary in the conduct of the war that there be waived compliance with § 6.20 in the case of any vessel engaged in business connected with the conduct of the war.

R. R. WAESCHE,
Commandant.

FEBRUARY 15, 1944.

[F. R. Doc. 44-2285; Filed, February 16, 1944;
11:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 206]

FLORIDA

REVOCATION OF EXECUTIVE ORDER WITH- DRAWING PUBLIC LANDS

Revocation of Executive Order No. 4366 of January 14, 1926, withdrawing public lands.

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 4366 of January 14, 1926, withdrawing public lands in Florida for classification and in aid of legislation, is hereby revoked, the lands thus released becoming subject to the provisions of Executive Order No. 6964 of February 5, 1935, withdrawing public lands in Florida and other States for classification and other purposes.

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 3, 1944.

[F. R. Doc. 44-2248; Filed, February 16, 1944;
9:26 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administra- tion

[G. O. 5, Rev.]

PART 304—LABOR

PACIFIC COAST MARITIME INDUSTRY BOARD

Whereas by Executive Order No. 9054 dated February 7, 1942, as amended by Executive Order No. 9244, dated September 16, 1942, the President established the War Shipping Administration in order to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war: and

Whereas it is essential in order to achieve the objectives of the said Executive orders that the loading and discharging of vessels be carried out with the maximum possible degree of efficiency.

Now therefore by virtue of the power vested in me by the aforesaid Executive orders, *It is hereby ordered that:*

General Order 5, as amended, be further amended and revised by striking out §§ 304.1 to 304.7 inclusive, and substituting in lieu thereof the following:

Sec.

- 304.1 Creation of Pacific Coast Maritime Industry Board.
- 304.2 Membership of the Board.
- 304.3 Delegation of authority.
- 304.4 Collective bargaining agreements.
- 304.5 Surveys.
- 304.6 Rules and regulations.
- 304.7 Reports to and delegation of functions by the Administrator.

AUTHORITY: §§ 304.1 to 304.7, inclusive, issued under E.O. 9054, 9244, 7 F.R. 837, 7327.

§ 304.1 *Creation of Pacific Coast Maritime Industry Board.* There is hereby created a Pacific Coast Maritime Industry Board (hereinafter referred to as the Board) as an agency of and within the War Shipping Administration.

§ 304.2 *Membership of the Board.* The Board shall consist of five members, namely, a Chairman, (and a Vice-Chairman to act in his absence), two representatives of employers of longshore labor on the Pacific Coast and two repre-

representatives of longshore unions on the Pacific Coast. However, two representatives of longshore unions shall be chosen from the A. F. of L. Union of longshoremen to serve on the Board as the two union representatives in matters arising in ports in which the A. F. of L. Union represents the longshoremen for purposes of collective bargaining and two representatives of longshore unions shall be chosen from the C. I. O. Union of longshoremen to serve on the Board as the two union representatives in matters arising in ports in which the C. I. O. Union represents the longshoremen for purposes of collective bargaining.

(a) The Chairman shall be appointed by the Administrator.

(b) The representatives of the employers and the unions shall be appointed by the Administrator. He may also designate two employer alternates and four union alternates. The four union alternates shall be divided equally between the A. F. of L. and C. I. O. unions. The Administrator may at any time revoke such appointments or designations of representatives or alternates and make new appointments or designations.

(c) The Vice-Chairman shall be selected by the Chairman with the approval of the Administrator. He shall perform such duties, activities and functions as may be assigned to him by the Chairman, shall act as Chairman in the absence of the Chairman and when serving in such capacity shall have all powers granted herein to the Chairman.

§ 304.3 *Delegation of authority.* Subject to such directives as may be issued and such policies as may be determined by the Administrator, the Board shall have all of the powers vested in the Administrator.

(a) To coordinate the efforts of the employer and employee groups in the longshore industry on the Pacific Coast for the purpose of increasing efficiency in loading and discharging vessels in that area in furtherance of the successful prosecution of the war.

(b) To render decisions and make rules, on its own motion, on matters respecting the registration of employees, recruiting and training of new employees, emergency transportation of employees from port to port to meet labor shortages, dispatching rules and procedures, organization and duties of dispatching hall staffs, health, safety and welfare of employees, penalizing of employers and employees for violations of the decisions or rules of the Board, maximum utilization of labor, sizes of sling loads, the right to use labor saving equipment, organization and composition of gangs and responsibilities and authority of various employees, including as to those matters specified in this paragraph (b) the right to modify or suspend any provision or provisions in the applicable collective bargaining agreements, local working and dispatching rules or other agreements and port practices, resulting either from unilateral or bilateral action: *Provided, however,*

(1) That any such decision or rule shall be effective only for the duration of the war, and

(2) That the authority to make any such decision or rule shall be limited to matters affecting the efficiency of stevedoring operations on the Pacific Coast in connection with the successful prosecution of the war as to which effect, in the event of any dispute with respect thereto, the Administrator for all purposes hereunder shall be the sole judge, and

(3) That if the employer or employee groups or any of them, feel aggrieved by any such decision or rule, they may, within thirty (30) days after the issuance of such decision or rule, submit the matter to an arbitrator selected in the manner provided in their collective bargaining agreement, in which event such decision or rule shall remain in force as announced until the decision of such arbitrator becomes final and effective. The Board shall have the right in connection with any such arbitration to present to the arbitrator its reasons for making the decision or rule involved in such matter.

(c) To attempt to mediate the differences that may exist between the employer and employee groups in respect to any dispute arising under their respective collective bargaining agreements or otherwise, which, short of arbitration or actual steps taken leading thereto, are not settled by such groups under the grievance machinery provided in their agreements.

(d) To arbitrate any dispute, arising under the collective bargaining agreements or otherwise between the employer and the employee groups, which, short of other arbitration or steps actually taken leading thereto, are not settled by such groups under the grievance machinery provided in their agreements: *Provided,*

(1) That the parties to such dispute mutually agree in writing that such matter shall be submitted to the Board for arbitration and that the decision of the Board shall be final and conclusive on the issues submitted and shall be binding upon the parties thereto, and

(2) That the Administrator specifically authorizes the Board in each such instance to accept the arbitration of such dispute.

§ 304.4 *Collective bargaining agreements.* Subject to decisions and rules made by the Board pursuant to § 304.3 (b) hereof, existing collective bargaining agreements shall continue in full force and effect.

§ 304.5 *Surveys.* The Board shall from time to time, as the Administrator directs, conduct surveys and make inspections of the loading and discharging of vessels in Pacific Coast ports for the purpose of disclosing facts affecting the efficiency of stevedoring operations on the Pacific Coast. Copies of all such surveys and inspections shall be transmitted to the Administrator. The Board is authorized to require employers to file copies of all hatch logs to aid in de-

termining the efficiency of stevedoring operations and to serve as a guide in making surveys and inspections.

§ 304.6 *Rules and regulations.* The Board shall have power to promulgate procedural and administrative rules and regulations appropriate for the performance of its duties.

§ 304.7 *Reports to and delegation of functions by the Administrator.* (a) The Board shall from time to time report to the Administrator on its activities hereunder and on the status of the efficiency of the loading and discharging of vessels on the Pacific Coast, in so far as such operations are related to the prosecution of the war.

(b) The Administrator may delegate to such person or persons as he may hereafter designate any or all functions on his part to be performed hereunder.

E. S. LAND,
Administrator.

FEBRUARY 15, 1944.

[F. R. Doc. 44-2276; Filed, February 16, 1944; 11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 178, Amdt. 2]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR FATS AND OILS, ETC.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of February, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 178 (9 F.R. 542) of January 11, 1944, as amended (9 F.R. 1184), and good cause appearing therefor:

It is ordered, That Service Order No. 178 (9 F.R. 542) of January 11, 1944, as amended (9 F.R. 1184), be, and it is hereby, amended by substituting the following paragraph (a) in lieu of paragraph (a) of § 95.328, *Use of refrigerator cars for certain commodities prohibited:*

(a) No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a refrigerator car or cars for loading with, or transport or move a refrigerator car or cars loaded with lard, lard compounds, lard substitutes, rendered pork fats, vegetable oil shortening, cooking and salad oil, animal tallow, dried fish, dried or powdered skim milk, concentrated citrus juice, empty beer containers, dried or evaporated fruits, fig paste, fig powder, or fig pulp, processed cheese in glass or metal containers, paraffine wax, or palm or palmetto leaves or buds. (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 order shall become effective at 12:01 a. m., Feb-

February 17, 1944; that a copy of this order and direction 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 under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2286; Filed, February 16, 1944;
11:52 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VII—NORTH DAKOTA

ROLETTE COUNTY

Locality I: Consisting of Dunseith City; St. John Village; Township 162, Range 70; Township 162, Range 71; Township 162, Range 72; Township 162, Range 73 (part); Township 163, Range 70 (part); Township 163, Range 71; Township 163, Range 72; Township 163, Range 73; Township 164, Range 70; Township 164, Range 71; Township 164, Range 72; and Township 164, Range 73, \$2,795.

Locality II: Consisting of Fairview Township; Kohlmeier Township; Mount Pleasant Township; Mylo Village; Rolette City; Rolla City; South Valley Township; Thorne Village; Township 159, Range 69; Township 159, Range 70; Township 159, Range 71; Township 159, Range 72; Township 160, Range 69 (part); Township 160, Range 70; Township 160, Range 71 (part); Township 160, Range 72; Township 161, Range 69; Township 161, Range 70; Township 161, Range 71; Township 161, Range 72 (part); and Township 161, Range 73, \$7,001.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: February 14, 1944.

FRANK HANCOCK,
Administrator.

[F. R. Doc. 44-2284; Filed, February 16, 1944;
11:31 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 227]

PUERTO RICO

APPOINTMENT OF SPECIAL INDUSTRY COMMITTEE NO. 3

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public: Martin Travieso, Chairman, San Juan, Puerto Rico. Jose M. Gallardo, San Juan, Puerto Rico. John A. Lapp, Chicago, Illinois.

For the Employees: Prudencio Rivera Martinez, San Juan, Puerto Rico. Francisco Colon Gordiany, San Juan, Puerto Rico. Charles V. Ernest, Baltimore, Maryland.

For the Employers: Rafael Carrion, San Juan, Puerto Rico. Jose Antonio Canals, Arecibo, Puerto Rico. Ramon Ramos Casellas, San Juan, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and rules and regulations promulgated thereunder, shall meet beginning on March 15, 1944, at 9 a. m., in the Chamber of Commerce Auditorium, Tetuan Street, San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico and recommend to the Administrator minimum wage rates for all employees in Puerto Rico who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Said special industry committee shall first proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Sugar, Rum, Industrial Alcohol, Shipping, Banking and Insurance, Tobacco, and Needlework Industries, and shall thereafter, in such order as the committee may elect, investigate conditions respecting, and recommend minimum wage rates for, the employees in the other industries in Puerto Rico.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-2283; Filed, February 16, 1944;
12:10 p. m.]

INDUSTRIES IN PUERTO RICO

MINIMUM WAGE HEARING

Notice of public hearing before the Special Industry Committee No. 3 for Puerto Rico for the purpose of receiving evidence to be considered in recommending minimum wage rates for employees in Puerto Rico engaged in the sugar, rum, industrial alcohol, shipping, banking and

insurance, tobacco, needlework and other industries.

In conformity with the Fair Labor Standards Act of 1938, as amended, and with § 511.11 of the rules and regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning on March 15, 1944, at 10:00 a. m., in the Chamber of Commerce Auditorium, San Juan, Puerto Rico, for the purpose of receiving evidence to be considered by the Special Industry Committee No. 3 for Puerto Rico in determining the highest minimum wage rates for all employees in Puerto Rico who within the meaning of the said Act are "engaged in commerce or in the production of goods for commerce," which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

The Special Industry Committee No. 3 for Puerto Rico was created by Administrative Order No. 227 to be published in the FEDERAL REGISTER on February 17, 1944. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and rules and regulations promulgated thereunder, with the duty of investigating conditions in the industries of Puerto Rico and of recommending to the Administrator minimum wage rates which may be lower than 30 cents but not higher than 40 cents per hour for all employees in Puerto Rico who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator and at which all interested persons will have an opportunity to be heard.

Administrative Order No. 227 directed the Special Industry Committee No. 3 to proceed first to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the sugar, rum, industrial alcohol, shipping, banking and insurance, tobacco and needlework industries and shall thereafter, in such order as the Committee may elect, investigate conditions respecting, and recommend minimum wage rates for, the employees in other industries in Puerto Rico.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with Russell Sturgis, Territorial Representative of the Wage and Hour Division, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan,

Puerto Rico, not later than March 13, 1944, Notice of Intention to Appear, a copy of which is to be sent to the Administrator of the Wage and Hour Division, 165 West 46th Street, New York 19, New York. The notice of intention to appear should contain the following information:

1. The name and address of the person appearing.
2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.
3. A brief summary of the material intended to be presented.
4. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 3 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee provided that twenty copies thereof are received not later than March 13, 1944, at the Wage and Hour Division of the United States Department of Labor, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico. Any person appearing at the hearing who offers written material must submit twenty copies thereof.

Signed at San Juan, Puerto Rico, this 8th day of February 1944.

MARTIN TRAVIESO,
Chairman, Special Industry
Committee No. 3 for Puerto Rico.

[F. R. Doc. 44-2237; Filed, February 16, 1944;
12:10 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1182]

HUGHES TOOL COMPANY

NOTICE OF HEARING REGARDING TWA CONTROL

In the matter of the application of Hughes Tool Company for approval, if such approval is necessary, of control of Transcontinental & Western Air, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 408 of said Act, in the above-entitled proceeding, that hearing is assigned for February 24, 1944, 10 a. m. (eastern war time) in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated: Washington, D. C., February 12, 1944.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-2252; Filed, February 16, 1944;
10:31 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev-172]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW HAMPSHIRE, MAINE, AND MASSACHUSETTS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Daniel E. McCarthy doing business as McCarthy's Express Company, Lawrence, Massachusetts, M. & E. Transportation Corp., Somersworth, New Hampshire, Rand Pickering Express, Inc., Portsmouth, New Hampshire, and Maine Freightways, Portland, Maine, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582, 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capac-

ity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-172," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 21, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of February 1944.

JOSEPH B. EASTMAN,
Director.

Office of Defense Transportation.

[F. R. Doc. 44-2253; Filed, February 16, 1944;
10:39 a. m.]

[Supp. Order ODT 3, Rev-173]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA AND IOWA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of

¹ Filed as part of the original document.

necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary

Order ODT 3, Revised-173," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 21, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 16th day of February 1944.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

APPENDIX 1

1. Brady Transfer and Storage Company (a corporation), Ft. Dodge, Iowa.
2. Ray Briscoe, Cecilia Briscoe, Administratrix (an individual), Carroll, Iowa.
3. Burlington Transportation Company (a corporation), Galesburg, Illinois.
4. C. J. Calabria (an individual), doing business as C. & H. Motor Freight Co., Omaha, Nebraska.
5. John H. Neumann (an individual), doing business as Consolidated Motor Freight Terminal, Omaha, Nebraska.
6. Charles W. Darling (an individual), doing business as Darling Transfer, Auburn, Nebraska.
7. Leroy Enstrom (an individual), doing business as Enstrom Transfer, Oakland, Nebraska.
8. J. H. Fredrickson and D. H. Fredrickson (a partnership), doing business as J. H. Fredrickson & Son, Harlan, Iowa.
9. W. L. Van Patten (an individual), doing business as Gate City Terminal and Gate City Motor Freight, Omaha, Nebraska.
10. Gordon Storage Warehouses, Inc. (a corporation), Omaha, Nebraska.
11. Walter Hall (an individual), doing business as Hall and Wilson, Fremont, Nebraska.
12. Highway Motor Freight, Inc. (a corporation), Omaha, Nebraska.
13. Holdcroft Transportation Company (a corporation), Sioux City, Iowa.
14. Interstate Transfer & Storage Company (a corporation), Council Bluffs, Iowa.
15. Merchants Motor Freight, Inc. (a corporation), St. Paul, Minnesota.
16. On-Time Transfer Company (a corporation), Omaha, Nebraska.
17. Matthew Leo McKeone (an individual), doing business as Red Ball Transfer Company, Omaha, Nebraska.
18. The Rock Island Motor Transit Company (a corporation), Des Moines, Iowa.
19. Orval Tangeman (an individual), doing business as Tangeman Transfer, Bloomfield, Nebraska.
20. Union Transfer Company (a corporation), doing business as Union Freightways, Omaha, Nebraska.
21. Watson Bros. Transportation Co. Inc., (a corporation), Omaha, Nebraska.
22. Wilson Storage and Transfer Company (a corporation), Sioux Falls, South Dakota.

[F. R. Doc. 44-2254; Filed, February 16, 1944; 10:39 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 130, Under MPR 64]

AUTOMATIC RANGE CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 130 under Maximum Price Regulation No. 64—Domestic Cooking

and Heating Stoves. Approval of maximum prices for resales of Model No. V-19 gas range manufactured by Automatic Range Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, and in accordance with section 11, *It is ordered:*

(a) J. Rose & Company, Inc., 68 Jay Street, Brooklyn, New York, may sell and deliver Model No. V-19 gas range, without heat control, manufactured by the Automatic Range Corp., at prices f. o. b. Brooklyn, New York, no higher than the following:

	Per unit
To distributors.....	\$26.04
To dealers.....	28.85
To real estate trade.....	32.06

There may be added to these maximum prices the following additional amounts per unit, provided such amounts are separately stated on the invoice: Federal Excise Tax, \$1.98; when equipped to burn LP gas, to distributors \$1.00, to dealers \$1.10, to real estate trade \$1.20; when equipped with flash lighter, \$0.70 to distributors, dealers or real estate trade.

(b) Any person other than J. Rose & Co., Inc., may sell to dealers and deliver Model No. V-19 gas range, without heat control, manufactured by the Automatic Range Corp., at prices, f. o. b. distributors' city, no higher than the following:

	Per unit
Zone 1.....	\$33.27
Zone 2.....	34.27
Zone 3.....	35.27
Zone 4.....	36.27

There may be added to these maximum prices the following additional amounts per unit, provided such amounts are separately stated on the invoice: Federal Excise Tax, \$1.98; when equipped to burn LP gas, \$1.25 for each zone; when equipped with flash lighter, \$.85 for each zone.

(c) Any person may sell at retail and deliver the Model No. V-19 gas range, without automatic heat control, manufactured by Automatic Range Corporation at prices delivered no higher than the following:

	Per unit
Zone 1.....	\$56.95
Zone 2.....	57.95
Zone 3.....	58.95
Zone 4.....	59.95

These maximum prices include the Federal Excise Tax. There may be added to these maximum prices the following additional amounts per unit, provided such amounts are separately stated on the invoice; when equipped to burn LP gas, \$2.10 for each zone, when equipped with flash lighter, \$1.45 for each zone.

(d) At the time of or prior to the first invoice to each purchaser for resale, J. Rose & Company, Inc. shall notify the purchaser of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form. In addition, J. Rose & Company, Inc. shall cause to

be attached to each range a label listing the maximum retail selling prices established by this order. This label shall be attached to the inside of the oven door.

(e) For the purposes of this order, zones 1, 2, 3, and 4, shall comprise the following states:

Zone 1: Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, D. C., Delaware, Ohio, West Virginia, Virginia, North Carolina, South Carolina.

Zone 2: Wisconsin, Michigan, Iowa, Illinois, Indiana, Missouri, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, Florida.

Zone 3: North Dakota, Minnesota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas.

Zone 4: Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, New Mexico.

(f) This Order No. 130 may be revoked or amended by the Price Administrator at any time.

This Order No. 130 shall become effective February 16, 1944.

Issued this 15th day of February, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2247; Filed, February 15, 1944;
4:47 p. m.]

[Order 1, Under RO 5C¹]

MINNESOTA EXPERIMENTAL PLAN FOR ISSUANCE OF NON-HIGHWAY RATIONS

MILEAGE RATIONING: GASOLINE REGULATIONS

Pursuant to the authority conferred upon the Director of the Automotive Supply Rationing Division by § 1394.8394 (a) of Ration Order 5C, It is hereby ordered, That § 1394.8342 of Ration Order 5C be, and it is hereby, modified in the following respects:

1. *Issuance of non-highway gasoline purchase receipt books for use in connection with farming.* Non-highway gasoline purchase receipt books shall not be issued in the Minnesota Test Area for use in connection with farming unless the applicant establishes eligibility for at least ninety-six gallons of gasoline for non-highway purposes for the ration period. When an applicant in the St. Paul Test Area establishes eligibility for less than ninety-six gallons of gasoline for use for non-highway purposes in connection with farming, the Board shall issue to the applicant appropriate Class E or R coupon books.

2. *Definitions.* The definition of terms and rules of construction contained in § 1394.7551 of Ration Order 5C shall apply to this order.

3. *Effective period.* This order shall become effective at 12:01 a. m. February 17, 1944, and shall remain effective until modified or revoked.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507; 77th Cong.;

W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719, Ration Order No. 5C, 7 F.R. 15937 as amended February 17, 1944)

Issued this 16th day of February 1944.

CHARLES F. PHILLIPS,
Director, Automotive
Supply Rationing Division.

[F. R. Doc. 44-2283; Filed, February 16, 1944;
11:35 a. m.]

Regional and District Office Orders.

[Region II Order G-27 Under RMFR 122]

SOLID FUELS IN DELAWARE

Order No. G-27 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Solid fuels delivered by dealers in the State of Delaware—Delaware Coal Area I.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does—*(1) *Dealers' maximum prices; area covered.* If you are a dealer in solid fuels, this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain kinds, sizes and quantities of solid fuel, delivered to or at any point in the State of Delaware. That area comprises two zones as follows:

Zone 1: Zone 1 includes that portion of the State of Delaware north of the Chesapeake and Delaware Canal with the exception of the towns of St. Georges and Delaware City.

Zone 2: Zone 2 comprises all of the State of Delaware not included in Zone 1.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges and required discounts, from which you shall determine the maximum prices for designated kinds, sizes and quantities of solid fuels delivered within Zones 1 and 2 are set forth in Schedules I and II hereafter.

(3) *To what sales this order applies.* If you are a dealer in solid fuels, you are bound by the prices and discounts, and by all other provisions of this order for all deliveries within Zones 1 and 2.

You shall determine the maximum price for "Direct-Delivery" sales, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the two zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy solid fuels of the kinds, sizes, and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the Schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "direct-delivery" basis, "yard sales", and "sales of bagged coal" within Zone 1. You will find Schedule I in paragraph (d). In like manner, Schedule II applies to similar sales in Zone 2. You will find Schedule II in paragraph (e).)

(2) Take the dollars-and-cents figure set forth in the applicable table of the schedule, for the kind, size, and quantity of solid fuel you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedules.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 75¢ per ton for each payment, you shall deduct 56¢ for three-quarters of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a serv-

¹ 8 F.R. 15937.

ice charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain kinds, sizes, and quantities of solid fuels, delivered to or at any point within Zone 1. There is a separate table of prices for "direct-delivery" sales, "yard sales", and "sales of bagged coal".

(1) *Sales on a "direct-delivery" basis.*

FOR SALES OF SOLID FUELS OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

Kind and size of fuel	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$13.85	\$7.20	\$0.80
Pea.....	12.30	6.40	.70
Buckwheat.....	10.70	5.60	.60
Rice.....	9.60	5.05	.55
Barley.....	8.60	4.55	
Screenings.....	3.95	2.00	

Kind and size of fuel	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Bituminous coal from District No. 1—Pennsylvania:			
Egg or pea (double screened coal sold for domestic use).....	\$10.05		
Run of mine in Price Classification "A".....	9.20		
Run of mine in Price Classification "D" and "E".....	8.65		
2" lump in Price Classification "E".....	8.85		
Smithing coal.....	10.20		
High volatile coal from District No. 3:			
2" nut and slack.....	8.35		
Stoker pea (Double screened).....	8.35		
High volatile coal from District No. 8:			
Cannel coal—Lump.....	18.70		
Splint coal—Lump sold as fireplace coal.....	15.20		
Coke.....	12.75		

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes of anthracite except screenings, a discount of 75¢ per net ton and 40¢ per net ½ ton, where payment is made within ten days after delivery. You shall deduct a discount of 50¢ per net ton, where payment is made within ten days after delivery, on sales and deliveries of the following kinds and sizes of bituminous coal: "Egg" and "pea" from District No. 1; High Volatile Cannel Coal (Lump), and Splint Coal (Lump sold as fireplace coal) from District No. 8.

MAXIMUM AUTHORIZED SERVICE CHARGES

Cents per net ton

Special service rendered at the request of the purchaser:
 "Carry" or "wheel" (except for sales amounting to less than ½ ton)..... 50
 Carrying upstairs or downstairs, for each floor above or below the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"..... 50

(2) "Yard sales."

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED TO DEALERS AND TO CONSUMERS

Kind and size of fuel	Per net ton, for sales of ½ ton or more		Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
	To dealers for resale	To consumers	
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$11.95	\$12.85	\$0.70
Pea.....	10.40	11.30	.60
Buckwheat.....	9.10	9.70	.50
Rice.....	8.00	8.60	.45
Barley.....	7.00	7.60	
Screenings.....	2.20	2.20	

Kind and size of fuel	Per net ton, for sales of ½ ton or more		Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
	To dealers for resale	To consumers	
Bituminous coal from District No. 1—Pennsylvania:			
Egg or pea (double screened coal sold for domestic use).....	\$8.65	\$8.55	
Run of mine in Price Classification "A".....	7.70	8.20	
Run of mine in Price Classification "D" and "E".....	7.15	7.65	
2" lump in price classification "E".....	7.35	7.85	
Smithing coal.....	8.70	9.20	
High volatile coal from District No. 3:			
2" nut and slack.....	6.85	7.35	
Stoker pea (double screened).....	6.85	7.35	
High volatile coal from District No. 8:			
Cannel coal—Lump.....	16.70	17.20	
Splint coal—Lump sold as fireplace coal.....	13.20	13.70	
Coke.....	10.75	10.75	

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes of anthracite except screenings in quantities of ½ ton or more, a discount of 75¢ per net ton and 40¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

(3) *"Sales of bagged Pennsylvania anthracite"* (maximum prices per bag).

MAXIMUM PRICES PER 50 LB. PAPER BAG

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut.....	\$0.37	\$0.42	\$0.42	\$0.47
Pea.....	.32	.37	.37	.42

MAXIMUM PRICES PER 20 LB. PAPER BAG

Size	Delivered at dealer's yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut.....	\$0.15	\$0.17	\$0.17	\$0.19

(e) *Schedule II.* Schedule II establishes specific maximum prices for certain sizes of Pennsylvania anthracite, in certain specific quantities, delivered to or at any point within Zone 2. There is a separate table of prices for "direct-delivery" sales, "yard sales", and "sales of bagged coal".

(1) *Sales on a "direct-delivery" basis.*

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut.....	\$14.15	\$7.35	\$0.85
Pea.....	12.70	6.60	.75
Buckwheat.....	10.50	5.50	.65
Rice.....	9.50	5.00	
Barley.....	8.50	4.50	
Screenings.....	3.95	2.00	

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

MAXIMUM AUTHORIZED SERVICE CHARGES

Cents per net ton

Special service rendered at the request of the purchaser:
 "Carry" or "wheel" (except for sales amounting to less than ½ ton)..... 50
 Carrying upstairs or downstairs, for each floor above or below the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"..... 50
 For deliveries beyond two miles from the limits of the city, town, or village in which is located dealer's place of business..... 50

(2) *"Yard sales."*

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut.....	\$13.15	\$0.75
Pea.....	11.70	.65
Buckwheat.....	10.00	.55
Rice.....	9.00	
Barley.....	8.00	
Screenings.....	2.20	

Required discounts. You shall deduct from the prices set forth in table (2) of this schedule, on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after

delivery. Nothing herein requires you to sell on other than a cash basis.

(3) "Sales of bagged coal" (maximum prices per bag).

MAXIMUM PRICES PER 50 LB. PAPER BAG

Size	Delivered at dealers' yard		Delivered to retail stores	Sales to ultimate consumer
	To dealers	To consumers		
Nut.....	\$0.39	\$0.44	\$0.44	\$0.49
Pea.....	.34	.39	.39	.44

(f) *Commingling.* If you sell one size or kind of solid fuel, commingled with another size or kind of solid fuel, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes or the least expensive kind of fuel so commingled, whichever is lower, whether the sale be a "direct-delivery" sale, "ward sale", or "sale of bagged coal", except in the following situation. Where a purchaser requests that two or more sizes or kinds of fuel be commingled in one delivery, then, in that event, if those sizes and kinds are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes and kinds in the truck or other vehicle, or in the bags, in which the delivery is made. The price for fuel so commingled shall be calculated on the basis of the applicable per net ton price, or, in the case of bagged coal, on the basis of the applicable bagged price, for each size and kind in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size and kind in the combination.

(g) *Ex Parte 148; freight rate increase.* Since the ex parte freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December, 1941. Therefore, you may not increase any scheduled price on account of freight rates.

(h) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your suppliers' maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax

upon the transportation of property imposed by section 630 of the Revenue Act of 1942 actually paid or incurred by you, or any amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the State of Delaware or any political subdivision thereof, you need not state this tax separately.

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the fuel has been completed; but the price may be adjustable to the maximum prices in effect at the time of delivery.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(l) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provisions thereof, at any time.

(m) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(n) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of solid fuels hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(o) *Posting of maximum prices: Sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of fuel sold to him, the date of the sale or delivery and the price charged, separately stating the amount, "any, of the required discounts which must be deducted from and the authorized service

charges and the taxes, which may be added to the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(p) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Wilmington District Office of the Office of Price Administration; or with the Price Panel of the Appropriate War Price and Rationing Board.

(q) *Definitions and explanations.* When used in this Order No. G-27, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel of the kinds and sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Direct-delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or other vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct-delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(5) "Carry" and "wheel" refer to the movement of solid fuel to buyer's bin or storage space, in baskets or other containers, or by wheelbarrow or barrel, from the seller's truck or other vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which coal is discharged from the seller's truck in the course of "direct delivery".

(6) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(7) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(8) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the State of Delaware with such designation during December, 1941.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal, means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumer" as applied to bagged coal, means sales by dealers, other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(12) "District No." refers to the geographical coal-producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been modified as of midnight, August 23, 1943.

(13) "Low volatile bituminous coal" is produced in the low volatile sections of the producing districts specified herein.

(14) "High volatile bituminous coal" is produced in the high volatile sections of the producing districts specified herein.

(15) All designations in this order of sizes, classifications, etc., applicable to bituminous coal, refer to the sizes, classifications, etc., as set forth in the minimum price schedules for the various producing districts issued by the Bituminous Coal Division of the United States Department of the Interior, as in effect midnight, August 23, 1943. Where the minimum price schedules do not make specific mention of any size designated in this order, such size designations shall refer to the sizes of bituminous coal sold as such in the State of Delaware during December, 1941.

(16) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(r) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

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

This Order No. G-27 shall become effective February 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.
DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-2232; Filed, February 15, 1944;
12:30 p. m.]

[Region III Rev. Order G-5 Under RMPR 122]

SOLID FUELS IN AKRON, BARBERTON, CUYAHOGA FALLS, OHIO

Revised Order No. G-5 under Revised Maximum Price Regulation No. 122. Solids fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the municipalities of Akron, Barberton, and Cuyahoga Falls in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of Akron, Barberton, and Cuyahoga Falls, Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Revised Order No. G-5, but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a higher price than the scheduled price for a service or making a charge for a service not authorized by this order.

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit.

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal—(1) Price schedules.* This schedule sets forth maximum prices for sales of specified sizes, kinds, and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for sales on a "direct delivery" basis, where account is not paid within thirty (30) days from date of delivery; Column III shows maximum prices for sales on a "direct delivery" basis, where account is paid within thirty (30) days from date of delivery (including cash sales); Column IV shows maximum cash or credit prices for all "yard sales" to dealers and to consumers. All prices are for sales on a net ton basis.

Column I	Column II	Column III	Column IV
I. High volatile bituminous coals from producing district No. 8 (Eastern Ky. and Southwestern W. Va.). A. Lump: 1. Size Group No. 2 (larger than 3" but not exceeding 5"): a. Mine price classifications C through E..... b. Mine price classification F..... c. Mine price classifications G through I..... d. Mine price classification K..... e. Mine price classifications L and lower..... B. Egg: 1. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"): a. Mine price classifications E through N.....	\$9.15 8.95 8.00 8.70 8.65	\$8.90 8.70 8.65 8.45 8.40	\$7.90 7.70 7.65 7.45 7.40
II. High volatile bituminous coals from producing district No. 4 (Ohio): A. Lump: 1. Size Groups Nos. 1 and 2 (bottom size larger than 2"): a. Ohio No. 8 and middle freight origin districts.....	7.20	6.95	5.95
III. High volatile bituminous coals from producing district No. 3 (North-central W. Va. excluding Panhandle): A. Lump: 1. Size Group No. 2 (bottom size larger than 2" but not exceeding 5"): a. Mine price classifications D and E.....	7.40	7.15	6.15

(2) *Description terms.* All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this revised Order No. G-5 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* The maximum price for any service rendered by a dealer in connection with a sale or handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this order: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However it need not be stated separately on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase

costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

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

This Revised Order No. G-5 under Revised Maximum Price Regulation No. 122 shall become effective February 4, 1944.

(56 Stat. 23,765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued January 31, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2231; Filed, February 15, 1944;
12:30 p. m.]

[Region III Order G-9 Under RMPR 122]

SOLID FUELS IN MARION COUNTY, IND.

Order No. G-9 under Revised Maximum Price Regulation No. 122. Maxi-

mum prices for specified solid fuels in Marion County, in the State of Indiana.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made in the County of Marion in the State of Indiana. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in Marion County, Indiana; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell, or in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-9; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order.

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels subject to the discounts set forth herein. Column I describes the coal for which prices are established; Column II shows maximum prices for sales on a "direct delivery" basis other than quantity sales; Column III shows maximum cash or credit prices for quantity sales, as hereinafter defined. All prices are for sales on a net ton basis.

SCHEDULE I

Column I	Column II	Column III
I. High volatile bituminous coals from producing district No. 8 (Eastern Kentucky and Southwestern W. Va.):		
A. Lump:		
1. Size Group Nos. 1, 2, 3 (larger than 2"):		
a. Mine price classification A.....	\$9.85	\$8.95
2. Size Group Nos. 1 and 2 (larger than 3"):		
a. Mine price classifications D and E.....	9.55	8.50
b. Mine price classifications F through H.....	9.45	8.40
c. Mine price classifications J and K.....	9.20	8.30
d. Mine price classifications L through O.....	9.05	8.05
e. Mine price classifications P and lower.....	8.65	7.85
B. Egg:		
1. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"):		
a. Mine price classifications B through K.....	9.00	8.00
b. Mine price classifications L through N.....	8.60	7.80
c. Mine price classifications O and lower.....	8.35	7.60

SCHEDULE I—Continued

Column I	Column II	Column III
I. High volatile bituminous coals from producing district No. 8 (Eastern Kentucky and Southwestern W. Va.)—Continued.		
B. Egg—Continued.		
1. Size Group No. 7 (top size larger than 3" but not exceeding 3" x bottom size 2" and smaller):		
a. Mine price classification A	\$9.15	\$8.10
b. Mine price classifications B through H	8.70	7.70
c. Mine price classifications I through M	8.45	7.45
d. Mine price classifications N and lower	8.30	7.30
2. Junior egg (or stove), Size Group No. 8 (top size larger than 2" but not exceeding 2" x bottom size 2" and smaller):		
a. Mine price classification A	8.05	7.05
b. Mine price classifications B through G	8.75	7.65
c. Mine price classifications H and lower	8.45	7.45
C. Size Group No. 10 (top size 1 1/4" and smaller x bottom size smaller than 1 1/4"): 1. Size Group No. 10 (top size 1 1/4" and smaller x bottom size smaller than 1 1/4"): a. Mine price classification A	9.40	8.75
b. Mine price classifications B through E	9.10	8.10
c. Mine price classifications F and lower	8.90	8.10
D. Run of mine (straight, remnant or altered), Size Group Nos. 16 and 17 (larger than 2 1/2" x 0; No coal smaller than 3/4" removed): a. Mine price classifications A through G	7.60	7.00
E. Screenings: 1. Size Group Nos. 19, 20, 21 (straight screenings; larger than 3/4" x 0 but not exceeding 2 1/2" x 0. Altered screenings; top size not exceeding 2 1/2" from which all of the 1" to 1 1/4" top and 1 1/4" to 3/4" bottom coal has been removed): a. Mine price classifications A through D	7.65	7.65
b. Mine price classifications E through L	7.45	7.45
c. Mine price classifications M and lower	7.20	7.20
I. High volatile bituminous coals from producing district No. 11 (Indiana): A. Lump: 1. Linton-Sullivan District: a. Vein V: (1) Size Group No. 1 (bottom size larger than 4") mine price classification 6.	6.95	6.95
b. Vein VI: (1) Size Group No. 1 (bottom size larger than 4") mine price classifications 7 and 18.	6.90	6.90
(2) Size Group No. 4 (bottom size larger than 1 1/2" but not exceeding 2") Mine Price Classifications 7 and 18.	6.90	6.90
2. Princeton-Ayrshire District: a. Vein V and VII: (1) Size Group Nos. 1, 2, 3 (bottom size larger than 2") mine price classification 10.	6.45	5.75
B. Egg: 1. Linton-Sullivan District: a. Vein IV: (1) Size Group No. 4 (top size larger than 4" x bottom size larger than 1 1/2" but not exceeding 2") mine price classification 13.	6.00	5.90
b. Vein V: (1) Size Group No. 2 (top size 4" and larger x bottom size larger than 3" but not exceeding 4") mine price classification 9.	6.25	5.65
c. Vein VI: (1) Size Group Nos. 2 and 3 (top size 3" and larger x bottom size larger than 2" but not exceeding 4") mine price classification 18.	6.60	5.80
(2) Size Group Nos. 4, 5, and 6 (top size larger than 2" x bottom size 2" and smaller, mine price classification 18.	6.35	5.70
2. Princeton-Ayrshire District: a. Vein V: (1) Size Group Nos. 1, 2, 3 (top size 3" and larger x bottom size larger than 2") mine price classification 10.	6.25	5.70
C. Nut (raw): 1. Size Group Nos. 10, 11, 12: a. Linton-Sullivan District: (1) Vein V, mine price classification 6.	7.05	6.25
(2) Veins V, VI, and VII, mine price classifications 7, 9, and 18.	6.95	5.90
b. Princeton-Ayrshire District: (1) Veins V and VII, mine price classification 10.	6.20	5.40
c. Brazil-Clinton District: (1) Veins III and VI, mine price classification 1.	6.50	5.35
D. Screenings (raw): 1. Size Group No. 10, 14: a. Linton-Sullivan District: (1) Vein VI, mine price classification 18.	5.80	5.15
E. Trouble second nut (washed or air cleaned): 1. Size Group Nos. 18, 19, 20: a. Linton-Sullivan District: (1) Veins V and VII, mine price classification 9.	6.20	5.55
b. Princeton-Ayrshire District: (1) Vein V, mine price classification 14.	6.20	5.80
(2) Veins V and VII, mine price classification 10.	6.25	5.90
c. Boonville District: (1) Vein V, mine price classification 11.	6.25	5.50

Column I	Column II	Column III
II. High volatile bituminous coals from producing district No. 11 (Indiana)—Continued.		
E. Double screened nut (washed or air cleaned)—Continued.		
2. Size Group No. 22:		
a. Princeton-Ayrshire District:		
(1) Veins V and VII, mine price classification 10.....	\$6.15	\$5.40
F. Screenings (washed or air cleaned):*		
1. Size Group No. 24:		
a. Princeton-Ayrshire District:		
(1) Vein V, mine price classification 14.....	5.10	5.45
G. Dry dedusted screenings:		
1. Size Group No. 27. District:		
a. (1) Veins V and VII, mine price classification 9.....	5.75	5.10
b. Princeton-Ayrshire District:		
(1) Veins V and VII, mine price classification 10.....	5.80	5.15
H. Water dedusted screenings:*		
1. Size Group No. 31:		
a. Princeton-Ayrshire District:		
(1) Veins V and VII, mine price classification 10.....	5.90	5.25
III. Low volatile bituminous coals from producing district No. 8 (Pocahontas):		
A. Lump and egg:		
1. Size Group Nos. 1 and 2 (Lump: bottom size larger than screened run of mine; Egg: top size larger than 3" x bottom size no limit):		
a. Mine price classifications B and C.....	10.05	8.65
B. Domestic run of mine, Size Group No. 6:		
1. Mine price classifications A through D.....	9.20	8.40
IV. Low volatile bituminous coals from producing district No. 7 (Pocahontas):		
A. Lump Size Group No. 1 (bottom size larger than screened run of mine):		
1. Mine price classification A.....	10.20	9.05
B. Egg size Group No. 2 (top size larger than 3" x bottom size no limit):		
1. Mine price classifications B and C.....	9.90	8.65
2. Mine price classifications A.....	10.35	9.15
C. Stove, Size Group No. 3 (dedusted screenings, top size larger than 1½" but not exceeding 3" x bottom size smaller than 3"):		
1. Mine price classifications A through C.....	10.00	8.75
D. Stoker:		
1. Size Group No. 4 (nut or dedusted screenings, top size larger than ¾" but not exceeding 1½" x bottom size smaller than 1¼"):	19.00	8.75
a. Mine price classification A.....	9.25	8.25
2. Size Group No. 5 (pea or dedusted screenings, top size not exceeding ¾" x bottom size smaller than ¾"):		
a. Mine price classification A.....	9.10	8.15
b. Mine price classifications B through D.....	8.95	7.95
E. Run of mine:		
1. Domestic, Size Group No. 6:		
a. Mine price classifications A through D.....	9.50	8.50
b. Mine price classification E.....	8.95	8.25
2. Straight, altered and resultant, Size Group No. 7 (larger than 1¼ x 0):		
a. Mine price classifications A and B.....	8.20	8.20
b. Mine price classifications C and D.....	7.90	7.90
V. Pennsylvania anthracite:		
A. Egg, stove, chestnut:	16.55	
VI. Coke, Indianapolis (excluding reject or reclaimed coke):		
A. Nut and egg.....	11.70	
B. Pea.....	10.70	
VII. Briquettes (low volatile).....	10.60	

*See Appendix A for size descriptions.

SCHEDULE II

This schedule sets forth the description of size groups referred to by note in Schedule I.

DESCRIPTION OF SIZE GROUPS—DISTRICT 11

Description	Size group	Predominant sizes	Top size		Bottom size	
			Maximum	Minimum	Maximum	Minimum
R a w d o u b l e screened nut coals.	10	14" x 3"	14"	Larger than 3"	Smaller than 1½"	Larger than ¾"
	11	1½" x ¾"	1½"	Larger than ¾"	¾"	Larger than 10 mesh or ¾"
	12	¾" x ½"	¾"	Also 1½" x ¾" air cleaned breaker nut Larger than 10 mesh or ¾"	Smaller than ¾"	Larger than 10 mesh or ¾"

DESCRIPTION OF SIZE GROUPS—DISTRICT 11—Continued

Description	Size group	Predominant sizes	Top size		Bottom size	
			Maximum	Minimum	Maximum	Minimum
Screenings raw	14	1½" x 0	1½"	Larger than ¾"	No fines removed.	
Washed or air cleaned double screened nut coals	18	1½" x ¾"	1½"	Larger than ¾"	Smaller than 1½"	Larger than ¾"
	19	1½" x ¾"	1½"	Larger than ¾"	¾"	Larger than 10 mesh or ¾"
	20	¾" x ¾"	¾"	Larger than 10 mesh or ¾"	Smaller than ¾"	Larger than 10 mesh or ¾"
Nut or dedusted washed screenings	22	1½" x 10 mesh	1½"	Larger than ¾"	10 mesh or ¾"	Larger than one millimeter
Washed or air cleaned screenings	24	1½" x 0	1½"	Larger than ¾"	Water cleaned coal: One millimeter or the equivalent thereof. Air cleaned coal: Shall contain at least 10% of fines that will pass through 10 mesh screen.	
Dry dedusted screenings	27	1½" x 0	1½"	Larger than ¾"	Fines are the resultant coal which passes through a dedusting screen with openings not larger than ¾". Not more than 50% of ¾" minus shall be removed, except that there shall be no limit to the percent of fines removed through the use of standard dedusters equipped with screens with openings smaller than 8 mesh.	
Water dedusted screenings	31	1½" x 0	1½"	Larger than ¾"	10 mesh or ¾"	Smaller than 10 mesh or ¾"

All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this order No. G-9 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges and discounts*—(1) *Service charges*. This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

	Per ton
Wheel-in from curb	\$0.50
Carry from curb	1.00
Carry up or down one flight of stairs	1.00
Trimming in bin	.25

(2) *Discounts*—(i) *Yard sales*. The prices set forth in Column II of Schedule I shall be subject to discount of \$1.00 per ton for all yard sales as hereinafter defined.

(ii) *Prompt payment*. The prices set forth in Column II, Schedule I for sales on a direct delivery basis (other than "quantity sales") shall be subject to a discount of \$.25 ton when paid within thirty (30) days from the date of delivery.

(iii) *Quantity sales*. The prices set forth in Column III, Schedule I, for quantity sales are cash or credit prices and no discount is required for such sales.

(f) *The transportation tax*. The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price in his invoice or statement. However, such tax need not be separately stated on a sale to the United States, or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited*. The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment*. Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations*. Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation*. The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records*. Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(l) *Posting of maximum prices; sales slips*. (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by the order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give

to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement*. (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Indianapolis District Office of the Office of Price Administration.

(n) *Definitions and explanations*. (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, any legal successor or representative of any of the foregoing, and includes the United States, and agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sale" is defined to mean a sale at the seller's yard to another dealer for resale purposes.

(6) "Quantity sale" is defined to mean a sale pursuant to which there is delivery by one dealer, in load lots on orders of 25 tons or more, to one purchaser and to one address, over a period of not more than 30 days.

(7) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(c) *Applicability of this order*. To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

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

This Order No. G-9 under Revised Maximum Price Regulation No. 122 shall become effective February 1, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 26, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-2230; Filed, February 15, 1944;
12:30 p. m.]

[Region III Order G-14 Under RMPR 122,
Amdt. 2]

SOLID FUELS IN DESIGNATED LOCALITIES IN MICHIGAN

Amendment No. 2 to Order No. G-14 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the cities of Saginaw, Carrollton, and Zilwaukee and the townships of Kochville, Buena Vista, and Saginaw, all in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of the Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That section (c), Part I, Subpart A be amended to read as set forth below.

Column I	Column II	Column III
I. * * *		
A. Lump—forked:		
1. Size Group No. 1 (larger than 5"); mine price classifications E through J	\$9.70	\$8.95
2. Size Group Nos. 2 and 3, mine price classifications D through K	9.60	8.85
3. Size Group Nos. 1 and 2 (bottom size larger than 3"):		
(a) Mine price classification A	10.45	9.70
(b) Mine price classifications L through N:		
(1) Upper banner seam	10.15	9.40
(2) Hazard seam	9.35	8.60
(c) Mine price classification O, excepting coal from the Glen Alum Mine, Index No. 219; of the Glen Alum Coal Company	9.25	8.50
(d) Glen Alum Mine, Index No. 219; of the Glen Alum Coal Company	9.40	8.65

This amendment to Order No. G-14 under Revised Maximum Price Regulation No. 122 shall be effective as of January 19, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued January 27, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-2229; Filed, February 15, 1944;
12:29 p. m.]

[Region III Order G-19 Under RMPR 122]

SOLID FUELS IN WARREN, OHIO, AREA

Order No. G-19 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Warren, Ohio, area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the City of Warren, and all territory within three miles of the corporate limits thereof, all in the State of Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-19; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for sales of specified sizes, kinds, and quantities of solid fuels. Column I describes the coal for which prices are established. Column II shows maximum prices for all sales on a "direct delivery" basis. Yard sales of one ton or more, whether to a dealer or a consumer, shall be subject to a discount of at least \$1.00 a ton. All prices are for sales on a net ton basis.

Column I	Column II
I. High volatile bituminous coals from producing district No. 2 (Western Pennsylvania):	
A. Lump and double-screened coals:	
1. Size Group Nos. 1 and 2 (bottom size larger than 2"):	
a. Mine #8, Index 224, of the Castle Shannon Coal Corporation	\$7.35
b. Mine price classifications A through E	7.20
2. Size Group Nos. 3, 4, 5 (bottom size 2" and smaller); mine price classifications A through C	6.95
II. High volatile bituminous coals from producing district No. 3 (Northwestern West Virginia excluding Panhandle):	
A. Pittsburgh Seam, mine price classifications D through G:	
1. Lump—Size Group Nos. 2 and 3 (larger than 1 1/4" but not exceeding 5")	6.90
2. Stoker—Size Group No. 5 (double-screened; top size 2" and smaller)	6.50

Column I	Column II
II. High volatile bituminous coals from producing district No. 3 (Northwestern West Virginia excluding Panhandle)—Continued	
B. Sewell Seam, mine price classification A	
1. Egg—Size Group No. 2 (double screened; bottom size larger than 2")	\$8.50
III. High volatile coals from producing district No. 4 (Ohio):	
A. Lump—From the Ohio No. 8 and Middle Freight Origin Districts—Size Group Nos. 1 and 2 (larger than 2")	7.10
B. Egg—From the Ohio No. 8 Freight Origin District—Size Group No. 3 (double screened; bottom size larger than 1 1/4" but not exceeding 2")	6.70
C. Stoker—From the Ohio No. 8 Freight Origin District—Size Group No. 5 (double screened; top size 2" and smaller):	
1. Treated	6.45
2. Untreated	6.35
IV. High volatile bituminous coals from producing district No. 8 (Eastern Kentucky and Southwestern West Virginia):	
A. Lump—Size Group Nos. 1 and 2 (larger than 3"):	
1. Mine price classifications B through J	8.80
2. Mine price classifications K through O	8.45
B. Egg	
1. Size Groups Nos. 6 and 7 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"; top size larger than 3" but not exceeding 5" x bottom size 2" and smaller):	
a. Mine price classification A	8.50
b. Mine price classifications B through K	8.20
2. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"); mine price classification L through N	8.00
V. Low volatile bituminous coals from producing District No. 7 (Pocahontas):	
A. Egg—Size Group No. 2 (double screened; top size larger than 3"); mine price classifications B through D	9.05
B. Stoker—Size Groups No. 5 (Pea or dedusted screenings; top size not exceeding 3/4" x bottom size smaller than 3/4"); mine price classification A	8.25

All terms used herein to describe size, volatility, and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-19 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of services and credit charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such services of the dealer and only when the dealer renders the

service. Every service charge shall be separately stated in the dealer's invoice.

Carrying or wheeling from curb. \$1 per ton.
Carrying up or down one flight of stairs. \$1 per ton.
One-half ton deliveries. One-half the ton price plus 50 cents.
Deliveries to West Lawn Homes, Federal Housing. \$1.50 per ton.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, the tax need not be so separately stated on a sale to the United States or any agency thereof, the District of Columbia, any state government, or any political subdivision thereof.

(g) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the

date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

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

This Order No. G-19 under Revised Maximum Price Regulation No. 122 shall become effective February 7, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 3, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2228; Filed, February 15, 1944;
12:29 p. m.]

[Region VI Order G-13 Under RMPR 122]

SOLID FUELS IN LA CROSSE, WIS.

Order No. G-13 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in La Crosse, Wisconsin.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels delivered in the City of La Crosse, Wisconsin and within an area of ten miles from the city limits of La Crosse. These are the highest prices that any dealer may charge when he delivers any such fuel within this area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order G-13; but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain higher than maximum prices by:

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is obtained.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal for which prices are established. The maximum prices indicated under the various column headings apply to the following types of sale:

(i) Column 2 shows maximum prices for coal delivered in quantities of less than one ton.

(ii) Column 4 shows the maximum prices for coal sold for use by buyers whose customary annual requirements of coal exceed 20 tons.

(iii) Column 5 shows the maximum prices for deliveries of 30 tons or more to a single purchaser from a single railroad car.

(iv) Column 3 shows the maximum prices for all types of sales not covered by any of the preceding paragraphs (i), (ii), or (iii).

MAXIMUM AREA PRICES FOR LA CROSSE, WISCONSIN

1	2	3	4	5
Description	1/2 ton delivered	1 ton delivered	20 ton or more to 1 bin delivered	30 ton or more to 1 bin delivered from 1 car
I. Low volatile bituminous coals from District #7:				
1. Lump S. G. #1	\$7.70	\$14.90	\$14.40	\$13.65
2. Egg S. G. #2	7.65	14.80	14.30	13.55
3. Stove S. G. #3	7.60	14.75	14.25	13.50
4. Nut S. G. #4	7.60	14.75	14.25	13.50
II. Hi-volatile bituminous coals from District #8:				
1. Lump or Block S. G. #1, Price Class A	7.55	14.70	14.20	13.45
2. Egg S. G. #6 and #7, Price Class A	7.55	14.60	14.10	13.35
3. Stoker S. G. #10, Price Class A	6.85	13.20	12.70	11.95
III. Hi-volatile bituminous coals from District #10:				
A. Fulton-Peoria Sub-District:				
1. Egg S. G. #2	5.10	9.65	9.15	8.40
2. Stoker Nut S. G. #9	4.50	8.50	8.00	7.25
B. Du Quoin Sub District:				
1. Lump S. G. #1	5.10	9.70	9.20	8.45
2. Stoker Screenings S. G. #18	4.70	8.90	8.40	7.65
C. Southern Sub District:				
1. Lump S. G. #1	5.75	10.95	10.45	9.70
2. Egg S. G. #3 to #5	5.70	10.90	10.40	9.65
3. Stoker Nut S. G. #10	6.20	9.85	9.35	8.60
4. Screenings, Dry De-dusted S. G. #27	5.10	9.65	9.15	8.40
IV. Hi-volatile bituminous coals from District #11:				
1. Lump S. G. #1 Price Group #10	5.60	10.65	10.15	9.40
2. Lump S. G. #1 Price Group #15	5.85	11.20	10.70	9.95
3. Egg S. G. #2 Price Group #7	5.55	10.55	10.05	9.30
4. Egg S. G. #2 Price Group #10	5.25	9.95	9.45	8.70
5. Stoker Nut S. G. #11 Price Group #6	5.25	10.00	9.50	8.75
6. Stoker Nut S. G. #11 Price Group #10	5.10	9.65	9.15	8.40
V. Pennsylvania anthracite:				
1. Egg, stove, nut until 5-31-44	10.15	19.75	19.25	18.50
2. Egg, stove, nut after 6-1-44	9.95	19.35	18.85	18.10
VI. Byproduct coke:				
1. Egg, stove, nut	8.64	16.80	16.30	15.55
VII. Standard briquettes	7.80	15.10	14.60	13.85

(2) The maximum prices for all sales by dealers of solid fuels not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* The service charges set forth below may be made for special services rendered in connection with sales under paragraph (c). No other or higher service charges may be made. Service charges must be separately stated on each invoice.

	Coal	Coke
Carrying or wheeling from curb, per ton	\$0.75	\$1.00
Carrying up or down stairs (in addition to carrying or wheeling charge), per ton	.75	1.00

(e) *Cash discounts.* A cash discount of not less than \$1.00 per ton must be allowed whenever payment is made within 10 days of delivery.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices

set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected, in addition to the maximum price on sales of quarter-ton or lesser quantities.

(g) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes are within the discretion of the Regional Administrator.

(h) *Petitions for amendments.* This order may be revoked, amended or modified at any time. Any dealer may at any time file with the La Crosse District Office of the Office of Price Administration a petition for amendment to this Order in accordance with the provisions of Revised Procedural Regulation No. 1.

(i) *Posting of maximum prices.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing: the date; the name and address of the buyer, if known; the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(j) *Definitions and explanations.* When used in this Order No. G-13, the term:

(1) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania. "Chestnut" size of Pennsylvania anthracite refers to the size of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(3) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.

(4) "Low volatile bituminous coal" refers to coal produced in the low volatile

sections of the producing districts specified herein.

(5) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(6) "Egg, stove, nut," etc. sizes of bituminous coal refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(7) "P. G." (Production Group) and "S. G." (Size Group) refer to the meaning given to these terms under the Bituminous Coal Act of 1937 or under any order, schedule, rule or regulation issued by the Bituminous Coal Division of the U. S. Department of the Interior which was established or in effect as of midnight August 23, 1943.

(8) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; if not therein defined, they shall be given their ordinary and popular trade meaning.

(k) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

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

This Order No. G-13 shall become effective January 17, 1944.

(56 Stat. 23, 765, Pub. Laws, 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of January 1944.

ALEX ELSON,

Acting Regional Administrator.

[F. R. Doc. 44-2227; Filed, February 15, 1944; 12:29 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 12, 1944.

REGION I

Connecticut Order No. 5, Amendment No. 1, filed 4:35 p. m.
Massachusetts Order No. 14, filed 4:17 p. m.
Massachusetts Order No. 14, Amendment No. 1, filed 4:19 p. m.

REGION II

Newark Order No. 1-P, filed 4:21 p. m.
Trenton Order No. P-1, Amendment No. 1, filed 4:32 p. m.

REGION III

Cleveland Order No. F-4, Amendment No. 8, filed 4:25 p. m.
 Detroit Order No. 1-F, Amendment No. 1, filed 4:22 p. m.
 Indianapolis Order No. 4-F, Amendment No. 1, filed 4:25 p. m.
 Indianapolis Order No. 5-F, Amendment No. 1, filed 4:25 p. m.
 Indianapolis Order No. 6-F, Amendment No. 1, filed 4:25 p. m.
 Indianapolis Order No. 8-F, Amendment No. 1, filed 4:27 p. m.
 Indianapolis Order No. 9-F, Amendment No. 1, filed 4:27 p. m.
 Indianapolis Order No. 10-F, Amendment No. 1, filed 4:27 p. m.
 Indianapolis Order No. 11-F, Amendment No. 1, filed 4:27 p. m.
 Lexington Order No. 1-F, Amendment No. 16, filed 4:33 p. m.
 Lexington Order No. 2-F, Amendment No. 9, filed 4:33 p. m.
 Lexington Order No. 3-F, Amendment No. 7, filed 4:33 p. m.
 Saginaw Order No. 2-F, Amendment No. 2, filed 4:29 p. m.
 Saginaw Order No. 2-F, Amendment No. 3, filed 4:30 p. m.

REGION IV

Charlotte Order No. 1-F, Amendment No. 7, filed 4:29 p. m.

REGION V

Dallas Order No. 1-F, Amendment No. 4, filed 4:32 p. m.
 Tulsa Order No. 2-W, Amendment No. 1, filed 4:35 p. m.

REGION VI

Duluth-Superior Order No. 1-F, Amendment No. 3, filed 4:30 p. m.
 Green Bay Order No. 1-F, Amendment No. 2, filed 4:30 p. m.
 Green Bay Order No. 2-F, Amendment No. 2, filed 4:30 p. m.
 Milwaukee Order No. 3-F, Amendment No. 1, filed 4:29 p. m.
 Twin Cities Order No. 1-F, Amendment No. 1, filed 4:24 p. m.
 Twin Cities Order No. 1-F, Amendment No. 2, filed 4:23 p. m.

REGION VIII

Fresno Order No. 1-F, Amendment No. 3, filed 4:22 p. m.
 Fresno Order No. 11, filed 4:22 p. m.
 Phoenix Order No. 3-F, Amendment No. 5, filed 4:35 p. m.
 Phoenix Order No. 4-F, Amendment No. 5, filed 4:34 p. m.
 Phoenix Order No. 6-F, Amendment No. 3, filed 4:34 p. m.
 Phoenix Order No. 7-F, Amendment No. 3, filed 4:34 p. m.
 Phoenix Order No. 9, Amendment No. 1, filed 4:33 p. m.
 Sacramento Order No. 1-F, Amendment No. 3, filed 4:21 p. m.
 Sacramento Order No. 3-F, Amendment No. 3, filed 4:21 p. m.
 Sacramento Order No. 5-F, Amendment No. 3, filed 4:19 p. m.
 Sacramento Order No. 6-F, Amendment No. 1, filed 4:18 p. m.
 Sacramento Order No. 7-F, Amendment No. 1, filed 4:17 p. m.
 Seattle Order No. 1-F, Amendment No. 2, filed 4:28 p. m.
 Seattle Order No. 2-F, Amendment No. 1, filed 4:28 p. m.
 Seattle Order No. 3-F, Amendment No. 2, filed 4:29 p. m.

REGION IV

Jackson Order No. 8, Amendment No. 1, filed 4:18 p. m.
 Jacksonville Order No. 1-F, Amendment No. 10, filed 4:32 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
 Secretary.

[F. R. Doc. 44-2243; Filed, February 15, 1944;
 4:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-3179]

STOKELY FOODS, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of February, A. D. 1944.

In the matter of Stokely Foods, Inc. \$1.50 Cumulative Dividend Preferred Stock, \$1 Par Value.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$1.50 Cumulative Dividend Preferred Stock, \$1 Par Value, of Stokely Foods, Inc.;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 28, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
 Secretary.

[F. R. Doc. 44-2233; Filed, February 15, 1944;
 3:46 p. m.]

[File No. 70-843]

ELECTRIC POWER AND LIGHT CORP. AND
 MISSISSIPPI POWER AND LIGHT CO.

ORDER GRANTING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of February, A. D. 1944.

Mississippi Power & Light Company, an electric utility company, and its corporate parent, Electric Power & Light Corporation, a registered holding company, having filed a joint application and declaration and amendment thereto under the Public Utility Holding Company Act of 1935 particularly sections 6, 7, 9, 10 and 12 thereof and Rules U-42, U-45 and U-62 thereunder; regarding (a) the surrender for cancellation by Electric Power & Light Corporation of 1,493 shares of \$6 preferred stock, 35,000 shares of \$6 second preferred stock, 500,000 shares of common stock, all without par value, and a demand loan in the principal amount of \$190,000, to Mississippi Power & Light Company, the issuer thereof, as a capital contribution to the latter; (b) the reduction and restatement by Mississippi Power & Light Company of its capital stock liability on its remaining outstanding shares of preferred and common stock and the making of changes in its certificate of incorporation with respect thereto; and (c) the making of certain other accounting adjustments in compliance with the orders of other regulatory bodies; and (d) the solicitation of authorizations from the stockholders of Mississippi Power & Light Company for the approval of the aforesaid changes in the certificate of incorporation; and

A public hearing having been held on said application after appropriate notice, and the Commission having examined the record and made and filed its findings and opinion based thereon;

It is ordered, That subject to the terms and conditions prescribed in Rule U-24 promulgated pursuant to the Holding Company Act of 1935, said joint application and declaration, as amended, be granted and permitted to become effective with respect to all of the transactions therein proposed, except the proposed changes in the certificate of incorporation of Mississippi Power & Light Company insofar as they relate to the voting rights of the preferred stock of said company as to which jurisdiction is reserved; and

It is further ordered, That jurisdiction be and the same hereby is reserved to determine whether or not the distribution of voting power among the various classes of securities and security holders of Mississippi is fair and equitable and what steps are or may become necessary to be taken with respect thereto.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
 Secretary.

[F. R. Doc. 44-2234; Filed, February 15, 1944;
 3:46 p. m.]

[File No. 70-859]

THE NORTH AMERICAN CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February, 1944.

Notice is hereby given that a declaration or application (or both) has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than February 25, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on April 1, 1944, a dividend to its holders of common stock of record on March 3, 1944. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of 31 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of February 9, 1944, the date the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividend will involve the distribution of not more than 75,000 shares of the 1,785,621 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than \$420,000 of cash; and that the payment of such dividend will result in a charge of approximately \$2,800,000 to earned surplus.

The North American Company has requested that the Commission enter an

order permitting said declaration to become effective or granting said application on or before February 28, 1944.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-2235; Filed, February 15, 1944;
3:46 p. m.]

[File No. 70-840]

BANGOR GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of February 1944.

Bangor Gas Company, a subsidiary of American Gas and Power Company, a registered holding company, in turn a subsidiary of Community Gas and Power Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 15 (f) of the Public Utility Holding Company Act of 1935 proposing:

(a) To reduce the outstanding capital stock from \$600,000 par value to \$480,000 par value and create a capital surplus in the amount of \$120,000, and

(b) To eliminate from its balance sheet an account designated "Abandoned Property" in the amount of \$125,000 by charging \$120,000 against said capital surplus and charging the remaining \$5,000 to earned surplus as at December 31, 1942, thereby reducing the earned surplus as at said date from \$56,961.97 to \$51,961.97, and

(c) To transfer the said balance of earned surplus as at December 31, 1942, (\$51,961.97) to the account designated reserve for retirements and replacements.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings and opinion therein:

It is hereby ordered That the declaration as amended be permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-2236; Filed, February 15, 1944;
3:47 p. m.]

WAR PRODUCTION BOARD.

E. BEVELANDER COMPANY.

CONSENT ORDER

Charles E. Bevelander, doing business as E. Bevelander Company at 112-114 Brighton Avenue, Allston, Massachusetts, is engaged in the retail plumbing and heating business. He is charged by the War Production Board with having sold and delivered new metal plumbing and heating equipment of a retail value of \$2,064.00 to an ultimate consumer on or about November 9, 1942, without a preference rating, in violation of War Production Board Order L-79. Charles E. Bevelander admits the violation as charged, and does not care to contest the wilfulness of the same; and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Charles E. Bevelander, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That (a) Charles E. Bevelander, doing business as E. Bevelander Co., or otherwise, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any steam boiler, hot water heating boiler, or warm air heating furnace, except as specifically authorized in writing by the War Production Board.

(b) Charles E. Bevelander, doing business as E. Bevelander Co., or otherwise, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any part of a steam boiler, hot water heating boiler, or warm air heating furnace, of a cost exceeding \$75.00, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Charles E. Bevelander from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 15, 1944 and shall expire on June 15, 1944.

Issued this 8th day of February 1944.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2242; Filed, February 15, 1944;
4:25 p. m.]