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# FEDERAL REGISTER

VOLUME 9 NUMBER 77

Washington, Tuesday, April 18, 1944

*The President*

**EXECUTIVE ORDER 9435**

**AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF JENKINS BROTHERS, INCORPORATED, AT BRIDGEPORT, CONNECTICUT**

WHEREAS after investigation I find and proclaim that there is a threatened interruption of the operation of the plant of Jenkins Brothers, Incorporated, located at Bridgeport, Connecticut, as a result of a labor disturbance, and that the war effort will be unduly impeded or delayed by such interruption:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of the Navy is hereby authorized and directed, through and with the aid of such person or persons or instrumentality as he may designate, to the extent that he may deem necessary, to take possession of the plants and facilities of Jenkins Brothers, Incorporated, located at Bridgeport, Connecticut, together with any real or personal property, and other assets, wherever situated, used in connection with the operation thereof; and to operate or arrange for the operation of such plants and facilities in such manner as he deems necessary for the successful prosecution of the war, and to do all things necessary for, or incidental to, the production, sale, and distribution of the products thereof. The Secretary of the Navy is further authorized to exercise any contractual or other rights of the Corporation and to take such other steps as he deems necessary to carry out the provisions and purposes of this Order and the directive Order of the National War Labor Board dated February 9, 1944.<sup>1</sup>

<sup>1</sup> Not filed with the Division of the Federal Register.

2. The Secretary of the Navy shall operate the plants and facilities of the Corporation under the terms and conditions of employment which are in effect at the time the possession of the plants and facilities mentioned herein is taken, and, during his operation of the plants and facilities, shall observe the terms and conditions of the directive order of the National War Labor Board, dated February 9, 1944.

3. The Secretary of the Navy is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein.

4. Possession, control and operation of any plant or facility, or part thereof, taken under this order, shall be terminated by the Secretary of the Navy within sixty days after he determines that the productive efficiency of the plant, facility, or parts thereof has been restored to the level prevailing prior to the threatened interruption of production referred to in the recitals of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 13, 1944.

[F. R. Doc. 44-5333; Filed, April 15, 1944;  
10:06 a. m.]

**EXECUTIVE ORDER 9436**

**AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF KEN-RAD TUBE AND LAMP CORPORATION AND KEN-RAD TRANSMITTING TUBE CORPORATION AT OWENSBORO, KENTUCKY**

WHEREAS after investigation I find and proclaim that there is a threatened interruption of the operation of the plants and facilities of Ken-Rad Tube and Lamp Corporation and Ken-Rad Transmitting Tube Corporation, located at Owensboro, Kentucky, as a result of a labor disturbance, and that the war effort would be unduly impeded or delayed by such interruption:

NOW, THEREFORE, by virtue of the power and authority vested in me by the

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**THE PRESIDENT**

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The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

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 Book 2: Titles 4-9, with index.  
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Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of such person or persons or instrumentality as he may designate, to the extent that he may deem necessary, to take possession of the plants and facilities of Ken-Rad Tube and Lamp Corporation and Ken-Rad Transmitting Tube Corporation, located at Owensboro, Kentucky, together with any real or personal property, and other assets, wherever situated, used in connection with the operation thereof; and to operate or arrange for the operation of such plants and facilities in such manner as he deems necessary for the successful prosecution of the war, and to do all the things necessary for, or incidental to, the production, sale, and distribution of the products thereof. The Secretary of War is further authorized to exercise any contractual or other rights of the corporations and to take such other steps as he deems necessary to carry out the provi-

sions and purposes of this Order and the directive order of the National War Labor Board, dated March 31, 1944.<sup>1</sup>

2. The Secretary of War shall operate the plants and facilities of the Corporations under the terms and conditions of employment which are in effect at the time the possession of the plants and facilities mentioned herein is taken, and during his operation of the plants and facilities shall observe the terms and conditions of the directive order of the National War Labor Board, dated March 31, 1944.<sup>2</sup>

3. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein.

4. Possession, control, and operation of any plant or facility, or part thereof, taken under this order, shall be terminated by the Secretary of War within sixty days after he determines that the productive efficiency of the plant, facility, or parts thereof has been restored to the level prevailing prior to the threatened interruption of production referred to in the recitals of this order.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
April 13, 1944.

[F. R. Doc. 44-5332; Filed, April 15, 1944;  
10:06 a. m.]

## Regulations

### TITLE 7—AGRICULTURE

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

[FDO 92-1]

#### PART 1401—DAIRY PRODUCTS

#### REPORTS RELATIVE TO CHEESE AND CHEESE FOODS

Pursuant to the authority vested in me by Food Distribution Order No. 92 (9 F.R. 1082), issued by the Assistant War Food Administrator on January 27, 1944, and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1401.19 *Reports*—(a) *Definitions*. Unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, each term used in Food Distribution Order No. 92 shall, when used herein, have the same meaning as is set forth for such term in said Food Distribution Order No. 92.

(b) *Monthly reports*. (1) Each person who produced cheese or cheese food in February or March 1944 shall (i) correctly complete form "Dairy Products Report No. 1, Revised" for each such calendar month, and (ii) correctly complete form "Dairy Products Report No. 6" for said February or March if he claims quota exemption sales in the respective calendar month. Each of the aforesaid reports shall be completed and mailed to the United States Department of

Agriculture, Box 6910, Chicago, Illinois, on or before April 15, 1944.

(2) Each person who produces cheese or cheese food in April 1944 or who produces cheese or cheese food during any calendar month after April 1944 shall (i) correctly complete form "Dairy Products Report No. 1, Revised" for each such calendar month and each succeeding calendar month, and (ii) correctly complete form "Dairy Products Report No. 6" for each such calendar month in which he claims quota exemption sales. Each of the aforesaid reports shall be completed and mailed to the United States Department of Agriculture, Box 6910, Chicago, Illinois, on or before the 10th calendar day of the calendar month next succeeding the one for which the report is required to be submitted.

(c) *Bureau of the Budget approval*. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., April 13, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 92, 9 F.R. 1082)

Issued this 12th day of April 1944.

LEE MARSHALL,  
Director of Distribution.

[F. R. Doc. 44-5269; Filed, April 13, 1944;  
1:37 p. m.]

### TITLE 10—ARMY: WAR DEPARTMENT

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

#### PART 5—SAFEGUARDING TECHNICAL INFORMATION

#### SAFEGUARDING MILITARY INFORMATION

Sections 5.4, 5.5, 5.7 to 5.9, 5.11 to 5.19 and 5.21 are retained without change in revision of Army Regulations No. 380-5 dated 15 March 1944; § 5.6 is rescinded, the regulations therein having been omitted in revision, and §§ 5.1, 5.2, 5.3, 5.10 and 5.20 (c) are amended to read as follows:

§ 5.1 *Definitions*—(a) *Classified military information*. Classified military information includes all information concerning documents, cryptographic devices, development projects and matériel falling in the categories of top secret, secret, confidential, or restricted.

(b) *Documents*. Any form of recorded information. The term "document" includes printed, mimeographed, typed, photostated, and written matter of all kinds; maps, photomaps, and aerial photographs and mosaics; drawings, sketches, notes, and blueprints, or photostatic copies thereof; photographs and photographic negatives; engineering data; correspondence and plans relating to research and development projects; and all other similar matter.

(c) *Engineering data*. The term "engineering data" comprises drawings, blueprints, photostats, photographs,

mathematical calculations, formulas, processes, and all similar items that can be reduced to documentary form.

(d) *Foreign government*. The term "foreign government" includes any recognized or nonrecognized government and any faction or body of insurgents within a country with which the United States is at peace.

(e) *Matériel*. Any article, substance, or apparatus. The term "matériel" comprises military arms, armament, equipment, and supplies of all classes, both complete and in process of development and construction, models that show features in whole or in part, design, mock-ups, jigs, fixtures, and dies, and all other components or accessories of military equipment.

(f) *Mock-up*. A mock-up is a model, usually full size and constructed of inexpensive material, made for the purpose of studying the construction and use of an article of matériel or mechanical device.

(g) *Photomap*. A photomap is a reproduction of an aerial mosaic, composite, or single vertical used in place of or to supplement a map.

(h) *Reserved area*. A reserved area is an area on the surface of the land or water designated and set apart by Executive order of the President for purposes of national defense, admittance to which is either prohibited or restricted.

(i) *Troop movements*. The term "troop movement" applies to the moving of units or organized detachments even though temporarily organized as such for the purpose of the movement. Movements of prisoners of war, sick and wounded, and all similar groups under military control are included in the term. A movement may be overseas (from the United States); intertheater, intratheater, or returns (to the United States).

(j) *Visitor*. As used in these regulations a visitor is any person admitted to a Government or commercial manufacturing establishment engaged in classified work or project for the War Department except:

- (1) A person employed on the work or project, or
- (2) A person directly and officially concerned with the work or project. [Par. 2.]

§ 5.2 *Right to possess classified military information*—(a) *Dissemination of classified matter*. No person is entitled solely by virtue of his grade or position to knowledge or possession of classified matter. Such matter is entrusted only to those individuals whose official duties require such knowledge or possession.

(b) *Responsibility*. The safeguarding of classified military information is the responsibility of all military personnel, civilian employees of the War Department, and of the management and employees of all commercial firms engaged in classified work or projects for the War Department. Classified military information will be discussed only with military or civilian personnel having a legitimate interest therein. [Pars. 11 and 14]

§ 5.3 *Photographs of certain classified matter*. Photographs of classified features of military equipment or of other

<sup>1</sup> Not filed with the Division of the Federal Register.

classified items will be made by members of the military service or by civilian employees of the War Department only when necessary in the conduct of their official duties and if made may be developed or printed in commercial establishments that have established a specific procedure for handling classified film, which procedure has been approved by the Provost Marshal General. Such film or prints will not be retained in the possession of commercial establishments so utilized. [Par. 18.]

§ 5.6 *Dissemination of restricted matter.* [Rescinded.]

§ 5.10 *Dissemination of classified technical information.* Classified information concerning technical projects or developments may be imparted only to those individuals whose official duties require such knowledge or possession and to accredited representatives of foreign nations in accordance with the provisions of § 5.5 (b). [Par. 59]

§ 5.20 *Responsibility of Government contractors.* \* \* \*

(c) War Department contractors will submit to the commanding general of the service command, chief of technical service, or Commanding General, Matériel Command, Army Air Forces, whichever is appropriate, immediately upon completion of the visit, a report of all visitors, except United States citizens and Canadian nationals, who have gained information concerning the classified work or projects. The reports will include the following information:

- (1) Name, official position, and nationality.
- (2) Authority for visit.
- (3) Matters in which the visitors showed the greatest interest.
- (4) General nature of questions asked.
- (5) Expressed object of the visit.
- (6) Estimate of the real object of the visit.
- (7) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English language.
- (8) A brief list of what was shown and explained. [Par. 72c]

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

#### PART 9—SECURITY SURROUNDING TROOP MOVEMENTS

##### TROOP MOVEMENTS AND INDIVIDUAL TRAVEL

Sections 9.1, 9.2 and 9.3 are amended and §§ 9.4 and 9.5 are retained without change in revision of Army Regulations No. 380-5 dated 15 March 1944.

§ 9.1 *General.* (a) Commanding officers of troops or individuals affected by the provisions of this part are responsible that such troops or individuals are instructed in such provisions, advised of their applicability, and warned of the danger involved in the spreading of information concerning troop movements.

(b) Movement of troops or individuals, or any group or class of such movements, will be classified as secret, confidential, or restricted by, or by authority of, any

officer authorized to make or authorize secret classifications.

(c) (1) Officers and men will avoid talk or discussion of military movements with civilians and will view with suspicion any person asking questions about such movements or discussing topics pertaining thereto.

(2) All persons connected with the military service who receive information concerning movements of organizations, detachments, or individuals, classified in accordance with Army Regulations, are forbidden to make public or to inform unauthorized persons concerning the classified elements of such movements.

(3) When it is necessary to advise relatives or other persons of approaching departure, individuals connected with the military service will not disclose any classified information. [Pars. 76 and 77]

§ 9.2 *Rail and motor movements.* (a) Rail and motor movements of troops in the United States, including those to Mexico and Canada, will normally be classified restricted.

(b) When rail or motor movements are made preliminary to an oversea movement from the United States, cars, baggage and impedimenta will not be marked in the clear to show destination, date of departure, name of ship, or other classified elements of information.

(c) During the progress of a movement by rail or motor within the United States, individuals participating therein will not communicate classified information to unauthorized persons. [Par. 78]

§ 9.3 *Embarkation.* (a) Troop movements will be made so far as practicable without attracting undue attention.

(b) All persons not on official business will be excluded from the piers at all times.

(c) Members of families, relatives, or friends of those sailing will not be allowed at the piers or thereabouts on the day of sailing. Any such persons found there will be ordered away summarily by the guard and report will be made to the appropriate authority of the officer or enlisted man with whom they were seen or with whom they attempted to communicate. [Par. 80]

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

#### PART 11—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

##### EFFECTS OF DECEASED PERSONNEL

Sections 11.1 to 11.4, 11.5 and 11.7 are retained without change in revision of Army Regulations No. 600-550 dated 28 March 1944. Section 11.6 is corrected to read as follows:

§ 11.6 *Effects of deceased civilian employees not subject to military law—(a) Within continental limits of United States, excluding Alaska.* The foregoing provisions in §§ 11.4 and 11.5 do not apply in the case of deceased civilian employees with the Army when they are not subject to military law. In such cases the officer under whom the decedent was serving, or such representative of the service in which the decedent has

been employed as said officer may designate, will secure the decedent's effects and deliver them to the legal heirs or their representatives. If the effects are not claimed within a reasonable period of time, said officer, or the person designated by him, will deliver the effects, with all available useful information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons. In all cases receipts will be obtained and forwarded through chiefs of arms and services to The Adjutant General with complete report of action taken.

(b) *Outside continental limits of United States, including Alaska.* Outside the continental limits of the United States, including Alaska, local pertinent laws will be complied with.

(R.S. 161; 5 U.S.C. 22) [Par. 29, AR 600-550, 28 March 1944]

[SEAL] ROBERT H. DUNLOP,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 44-5334; Filed, April 15, 1944; 10:14 a. m.]

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

[Procurement Regs. 1, 2, 3, 5, 6, 9, 10, 12, 13, and 15]

##### MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 81 and 88 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (7 F.R. 8082) as amended by Change 32, 7 April 1944,<sup>1</sup> the particular regulations amended being Nos. 1, 2, 3, 5, 6, 9, 10, 12, 13 and 15.

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

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

[Procurement Reg. 1]

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

##### GENERAL INSTRUCTIONS

Section 81.106 is amended as follows:

§ 81.106 *Distribution of procurement regulations.* (a) All communications pertaining to the distribution of procurement regulations including:

- (1) Requests for complete sets;
- (2) Requests for increase or decrease in the number of copies of revisions to be furnished;
- (3) Requests for copies of particular revisions;

<sup>1</sup>For previous changes see 7 F.R. 9268, 10184, 10906; 8 F.R. 3339, 5210, 6576, 7526, 8629, 8918, 9908, 11609, 12043, 13083, 13791, 14512, 16009, 16100, 17464; 9 F.R. 1344, 2975.

(4) Requests for missing pages or tab cards;

(5) Requests for change of address to which revisions are to be forwarded should be sent to:

Legal, Branch,  
Office, Director of Matériel,  
Headquarters, Army Service Forces,  
Room 5C 659 The Pentagon,  
Washington 25, D. C.

(b) Any request which involves any increase or decrease in the number of copies of revisions to be furnished should specify not only the new number of copies desired but also the number of copies currently being furnished. In addition, any such request and any request for a change of address should specify the mailing address (as appearing on the envelope or package in which revisions are received) to which revisions currently are being forwarded.

(c) Communications (including request mentioned in this § 81.106 pertaining to the distribution of Procurement Regulations may be by letter or memorandum. Such requests need not be in the form of formal requisitions.

[Procurement Reg. 2]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

GENERAL PURCHASE POLICIES

In § 81.223 paragraphs (a) to (f), inclusive, are amended:

§ 81.223 *Factors governing placement of contracts.* The selection of a contractor for a particular contract from among the available qualified producers depends on a number of factors. In making such selections effect must be given to various policies expressed by the Office of War Mobilization, by the War Production Board (see Directive No. 2, 18 September 1943; 8 F.R. 12968), by the War Manpower Commission in its directives and by Congress, as in the Smaller War Plants Act. These policies, their relation and relative importance are discussed in the following paragraphs, which are applicable both to the placement of new business and to the revision or reduction of existing programs:

(a) *Ability to perform.* Primary emphasis shall be placed upon securing performance or deliveries at the time, in the quantity, and of the quality required by the war program. As indicated in paragraph (a) of § 81.222, the objective is to insure delivery in time to avoid delays in the war program, but to avoid creation of unnecessary inventories.

(b) *War Manpower Commission labor areas.* The War Manpower Commission has divided the country into twelve regions and from time to time classifies localities in each region according to their labor supply conditions and on this basis designates them as:

Group I—Areas of current acute labor shortage.

Group II—Areas of labor stringency and those anticipating a labor shortage within six months.

Group III—Areas in which a slight labor surplus will remain after six months.

Group IV—Areas in which labor supply is and will continue to be adequate to meet all known labor requirements.

The Industrial Personnel Division, Headquarters, Army Service Forces, will advise the technical services monthly, or more often if conditions warrant, of the designations of the War Manpower Commission.

(c) *Area Production Urgency Committee areas.* Effective 15 September 1943 the Office of War Mobilization announced a program for dealing with the acute labor shortage problem in certain localities of the West Coast. On 5 October 1943 the War Production Board announced a program for the placement of contracts in the States of Washington, Oregon, and California. The War Production Board announced a similar program for the Hartford, Connecticut, Akron, Ohio, and Detroit, Michigan, areas on 15 October 1943, and for the Cleveland, Ohio, and Buffalo, New York, areas on 14 December 1943. Area Production Urgency Committees have been appointed for and are functioning in respect of these unusually critical labor areas. Similar programs may be adopted for other such labor areas, in which event any necessary directives will be issued prescribing the procedures to be followed for complying therewith. The policies stated in paragraphs (d) to (h) of this section and in § 81.224 will be subject to the requirements of such directives.

(d) *Policy with respect to placing of contracts in labor shortage areas.* The following policies will be observed with respect to the placing of contracts in the labor shortage areas:

(1) *Group I areas for which Area Production Urgency Committees have been appointed—(i) Contracts not requiring clearance of Committee; reporting as to intended placement.* (a) Except to the extent provided in any directive issued after 1 February 1944 as to any Group I Area for which an Area Production Committee has been appointed, the provisions of which directive will control as to the placement of contracts in that area until revoked,<sup>1</sup> the following types of contracts may be placed in these areas without clearance with, or approval of, the appropriate Committee:

(1) New and continuation contracts which cannot be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries and which will not increase employment in the contractor's plant; and

(2) New and continuation contracts with independent contractors (those not subsidiaries of larger concerns) that employ no more than 100 persons (excluding office and sales personnel) which will result in no increase whatsoever in the number of persons so employed; for example, an independent concern employing 30 persons, if performance of the contract will not require it to increase the number above 30: *Provided*, That such contracts may be placed with in-

dependent contractors in the States of Washington, Oregon or California only if they employ no more than 50 such persons.

(b) Although such contracts may be placed in any such area without approval of the appropriate Committee, nevertheless before such placement of an unclassified contract of a total value in excess of \$50,000, there will be transmitted to the Appropriate Committee four copies of form GA-861, duly completed, which will have endorsed thereon the proposed contract number and the legend "For Information Only". These will be transmitted through the Army representative on the Committee, or in the case of the Army Air Forces the Army Air Forces representative on the Committee, at least seven days before placement of the contract, unless this will unduly delay production, in which case they will be transmitted as far before placement as is practicable.

(i) *Contracts requiring clearance of Committee; application for such clearance.* (a) The following types of contracts must be cleared with the appropriate Area Production Urgency Committee before placement in any Group I area for which a Committee has been appointed and may be placed in these areas only if such placement has been approved by the Committee:

(1) New and continuation contracts which cannot be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries but which will increase employment in the contractor's plant;

(2) New contracts which can be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries but which the technical service believes should be placed in the area, as, for example, to effect a substantial saving in transportation;

(3) Continuation contracts which can be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries but which the technical service desires to continue in the area, as, for example, to prevent an undue hardship to the contractor which might result from withholding continuation orders.

(b) Since the Committee areas are the most critical of all the Group I areas, the technical services will not request Committee approval under subdivisions (2) or (3) above for any contract which the technical services are not authorized to place in non-Committee Group I areas under paragraph (d) (2) of this section.

(c) Applications for clearance by the Committee will be made to the Committee for the area in which the facilities of the contractor at which the work, or a major part of the work, will be done are situated. Applications, which may seek approval of a single contract or an entire program, will be submitted in four copies on Form GA-861 and will be transmitted through the Army, or in the case of the Army Air Forces the Army Air Forces, representative on the Committee.

(2) *Group I areas for which no Area Production Committee has been appointed.* It is the intent to avoid so far as possible the placement of contracts

<sup>1</sup> Special restrictions upon the placement and continuation of contracts in the Hartford, Connecticut, area are stated in Army Service Forces Circular No. 38 of 3 February 1944, to which reference is made for the policy governing placement in that area so long as the provisions of such circular are in effect.

in these areas. The only contracts which may be placed in these areas are those:

(i) Which cannot be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries; or

(ii) For which established special facilities exist and for which labor has been specially trained; or

(iii) Which, in the considered judgment of the chief of the technical service concerned, or of any person or persons to whom he may delegate his authority in this respect, it is impracticable to place elsewhere.

(3) *Group II areas.* The following types of contracts may be placed in Group II areas:

(i) Continuation contracts which will require no labor in addition to that currently employed by the contractor and

(ii) New and continuation contracts which cannot be placed in a Group III, IV or an unclassified area with adequate assurance of satisfactory performances and timely deliveries.

(4) *Exceptions as to restrictions applying to Group I and Group II areas.*

(i) The foregoing restrictions upon the placement of contracts contained in subparagraphs (1) to (4) of this paragraph (d) do not apply to contracts with originating manufacturers for newly developed articles placed in accordance with § 81.224. The provisions of subparagraph (1) (i) (b) of this paragraph (d), with respect to reporting placement to the Area Production Urgency Committee, however, apply in the event such contracts are placed in a Group I area for which a Committee has been appointed.

(ii) The restrictions contained in subparagraphs (2) and (3) do not apply with respect to contracts with firms which currently employ less than 100 wage earners and which will not employ more than 100 wage earners during the performance of the contract.

(5) *Group III and unclassified areas.* There are no restrictions upon the placement of contracts in Group III and unclassified areas.

(e) *Policy with respect to placing of contracts in labor surplus areas.* It is the policy of the War Department to make every effort to place a substantial amount of its business with concerns located in Group IV areas, to the extent placement there is consistent with other procurement objectives and satisfactory performance and timely deliveries can be assured.

(f) *Subcontracting in labor shortage areas.* (1) Prime contractors holding the bulk of War Department contracts have received a request from the Under Secretary of War to apply principles similar to those described in paragraphs (d) and (e) of this section, in placing their subcontracts for the fabrication of products required by their prime contracts. When new prime contracts which may involve subcontracting are made, the prime contractors will be advised of these principles by contracting officers and will be strongly urged to apply them in placing subcontracts.

(2) Where to give effect to changes in the classification of labor supply areas

occurring after the execution of a particular prime contract would decrease the efficiency or increase the cost of placing recurring subcontracts thereunder, the chief of a technical service or his duly authorized representative is authorized, pursuant to the First War Powers Act, 1941, to enter into and approve supplemental agreements to provide for the payment of any increased price to the prime contractor to cover increased costs resulting from such changes in subcontracting, in the same manner as provided in paragraph (f) (3) of § 81.225. It is hereby determined that supplemental agreements entered into for this purpose will facilitate the prosecution of the war.

(3) Many prime contractors are regularly receiving the monthly classification of labor market areas issued by the War Manpower Commission. Arrangements may be made to have additional prime contractors supplied with them by communicating directly with the Division of Procurement Policy, War Production Board, Washington, D. C.

[Procurement Reg. 3]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACTS

In § 81.304 (a) lists of contract forms are amended as follows:

§ 81.304 *Definitions*—(a) *Standard forms of contract.* \* \* \*

(3) \* \* \*

*Office of the Chief of Engineers.* [Forms added] \* \* \*

Engineer Form No. 520—Contract for Reconditioning Construction and Maintenance Equipment.

Contract for Boiler Inspection Service.  
*Office of the Chief of Ordnance.* [Forms added] \* \* \*

Letter Order for Emergency Supplies (O.P.C. No. 12-44).

Contract for Spare Parts and Military Publications (O.P.C. No. 67-44).

*Office of the Quartermaster General.* [Form added] \* \* \*

Contract for Procurement of Dehydrated Foods.

*Office of the Surgeon General.*

S. G. Form No. 1-F—Supply Contract.

S. G. Form No. 2-B—Long Form Supply Contract.

S. G. Form No. 3-B—Purchase Order.  
Contract with Universities for Courses of Instruction.

Contract with Universities for Research in Prevention of Epidemic Diseases.

Contract for Blood Plasma Processing.  
Supplemental Agreement for Use of Cellular Residue.

\* \* \*

In § 81.323 paragraphs (b) and (c) are added:

§ 81.323 *Covenant against contingent fees.* (a) Every contract regardless of subject material or amount (except contracts of sale, see § 83.726) will contain the following clause without deviation:

\* \* \*

(b) As to Contracts of Sale, see the specified provision set out in § 83.726.

(c) Also see § 81.1181.

In § 81.326 (a) subparagraph (2) is added:

§ 81.326 *Disputes concerning questions of fact.* (a) (1) Every contract, regardless of subject matter, for an amount of \$20,000 or more will, and every contract for an amount of less than \$20,000 may (at the option of the contractor), contain the following article without deviation:

(2) Where a contract has no definite termination date, or where a termination date is expressed but the contract is subject to renewal (e. g., through failure of the Government to take action to terminate or through the Government's exercise of a right to renew), it may be difficult to determine whether the contract is for an amount of \$20,000 within the meaning of subparagraph (1) of this paragraph. The following rule of thumb is prescribed to resolve the difficulty in such cases: It will be assumed for the purpose of making the determination that the contract will run for a period of three years from its starting date, and the aggregate charge will be estimated on this basis. If the aggregate charge, so estimated, is \$20,000 or more, the Disputes article will be included in the contract; if less than \$20,000 the article may be included at the option of the contractor.

(b) In all contracts which contain a definition of "his duly authorized representative" in relation to the head of the department, as "any person authorized to act for him other than the contracting officer," the words "or board" will be inserted between the word "person" and the word "authorized".

Section 81.342 is amended as follows:

§ 81.342 *Articles governing statutory renegotiation.* The following articles dealing with statutory renegotiation will be used in accordance with Procurement Regulation No. 12 (§ 81.1202; § 81.1207).

(a) *Form I.*

[Form I] *Renegotiation pursuant to the Renegotiation Act: Form for general use.*

ARTICLE \* \* \* *Renegotiation.* (a) This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944).

(b) In compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) *Form II.*

[Form II] *Renegotiation pursuant to the Renegotiation Act: Form for contracts exempt under discretionary exemption.*

ARTICLE \* \* \* *Renegotiation.* (a) The Contractor agrees to insert in the subcontracts specified in subsection (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944), either the provisions required by said subsection (b) or the following:

ARTICLE \* \* \* *Renegotiation.* (a) This contract shall be deemed to contain all the provisions required by subsection (b) of the

Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944).

(b) In compliance with said subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) either the provisions of this Article or the provisions required by said subsection (b).

(b) The Contractor agrees that there may be retained by the United States from amounts otherwise due the Contractor or that the Contractor will repay to the United States, as the Secretary of War or his duly authorized representative may direct, any amounts which under subsection (b) of the Renegotiation Act he is directed to withhold from a subcontractor and which are actually unpaid at the time the Contractor receives such direction.

[Form II] Renegotiation pursuant to the Renegotiation Act: Form for supplemental agreements.

ARTICLE \* \* \* Renegotiation. (a) This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act as amended by section 701 of the Revenue Act of 1943 (Public Law No. 235, 78th Congress, enacted February 25, 1944).

(b) In compliance with subsection (b) of the Renegotiation Act, the Contractor shall insert in the subcontracts specified in said subsection (b) and made by the Contractor after the date of this instrument either provisions similar to paragraphs (a) and (b) of this Article or the provisions prescribed by said subsection (b) of the Renegotiation Act.

(c) This Article applies only to the supplemental agreement by which it was added and to any supplemental agreement or change orders hereafter executed except that the Contractor may discharge any obligation under the basic contract to insert renegotiation provisions in subcontracts, by inserting therein either the provisions of paragraphs (a) and (b) of this Article or the provisions prescribed by subsection (b) of the Renegotiation Act.

In § 81.347 paragraphs (c) and (e) of contract article are amended as follows:

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

Advance payments. \* \* \* (c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with \_\_\_\_\_ percent (\_\_\_\_%) (Insert percent to be deposited which shall be not less than 85%)

of all other cash payments under this contract, shall be deposited in a special bank account or \* \* \*

(e) Except as otherwise provided herein, liquidation of the principal of any advance payment or advance payment made to the Contractor hereunder shall be made by deductions of \_\_\_\_\_ percent (\_\_\_\_%) from any and all payments made by the Government under the terms of the contract or by means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided*, That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of the principal of advance payments made exceeds \_\_\_\_\_ percent (\_\_\_\_%) of the balance of the total contract price then unpaid, the amount of such excess

which has not then been expended or obligated shall upon demand of the \_\_\_\_\_

(Chief of \_\_\_\_\_, or his duly authorized representative (Technical service))

representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the contract; *Provided further*, That, if and when the contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the contractor and shall therefrom be relieved of any further obligation to the Government on account thereof.

In § 81.348 paragraphs (c) and (e) of contract article are amended as follows:

§ 81.348 Advance payments without interest. A clause substantially as follows will be included in fixed price contracts when it is contemplated that advance payments without interest will be made thereon:

Advance payments. \* \* \*

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with \_\_\_\_\_ per cent (\_\_\_\_%) (insert per cent to be deposited which shall be not less than 85%) of all other cash payments under this contract, shall be deposited in a special bank account or \* \* \*

(e) Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of \_\_\_\_\_ per cent (\_\_\_\_%) from any and all payments made by the Government under the terms of the contract or by means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided*, That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of the principal of advance payments made exceeds \_\_\_\_\_ per cent (\_\_\_\_%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall upon demand of the \_\_\_\_\_, or his duly authorized representative (Chief of technical service)

thorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the contract; *Provided further*, That, if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

In § 81.348a the last proviso in paragraph (b) of contract form is amended:

§ 81.348a Advance payments; cost-plus-a-fixed-fee contracts; with interest. \* \* \*

Advance payments. \* \* \* (b) \* \* \* *Provided further*: That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

In § 81.348b the last proviso in paragraph (b) of contract form is amended:

§ 81.348b Advance payments; cost-plus-a-fixed-fee contracts; without interest. \* \* \*

Advance payments. \* \* \* (b) \* \* \* *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

In § 81.360 contract articles designated as Form I and Form II are amended by the addition of paragraph (g):

§ 81.360 Periodic adjustment of price and exemption from renegotiation. \* \* \*

(FORM I) ARTICLE --- PERIODIC ADJUSTMENT OF PRICE

(g) Termination. For the purposes of paragraph (d) of Article \_\_\_\_\_ hereof, (Termination at the Option of the Government), the following provisions shall govern:

(1) The prices payable for completed articles under paragraph (d) (1) of that Article shall be (i) the prices agreed upon for the price period in which the completed articles were delivered or ready for delivery, if adjusted prices have been agreed upon for that period, or (ii) such estimated prices as the Contracting Officer deems reasonable under all the circumstances, if adjusted prices have not been agreed upon for that period.

(2) The "total contract" shall be computed on the basis of the prices actually paid or payable for completed articles and, for the remaining articles covered by the contract, shall be based on (i) the prices agreed upon for the price period in which the notice of termination takes effect, if adjusted prices have been agreed upon for that period, or (ii) such estimated prices as the Contracting Officer deems reasonable under all the circumstances, if adjusted prices have not been agreed upon for that period. The "contract price of work not terminated" shall also be computed on the basis of (i) and (ii) above.<sup>1</sup>

(FORM II) ARTICLE --- PERIODIC ADJUSTMENT OF PRICE

(g) Termination. For the purposes of paragraph (d) of Article \_\_\_\_\_ hereof, (Termination of the Option of the Government), the following provisions shall govern:

(1) The prices payable for completed articles under paragraph (d) (1) of that Article shall be (i) the prices agreed upon for the price period in which the completed articles were delivered or ready for delivery, if adjusted prices have been agreed upon for that period or (ii) such estimated prices as the Contracting Officer deems reasonable under all the circumstances, if adjusted

<sup>1</sup> Paragraph (g) is to be included in the article whenever the contract contains the uniform termination article (§ 81.324).

prices have not been agreed upon for that period.

(2) The "total contract price" shall be computed on the basis of the prices actually paid or payable for completed articles and, for the remaining articles covered by the contract, shall be based on (i) the prices agreed upon for the price period in which the notice of termination takes effect, if adjusted prices have been agreed upon for that period, or (ii) such estimated prices as the Contracting Officer deems reasonable under all the circumstances, if adjusted prices have not been agreed upon for that period. The "contract price of work not terminated" shall also be computed on the basis of (i) and (ii) above.<sup>1</sup>

In § 81.394 paragraphs (b), (c), (d) and (e) are amended and subparagraph (3) is added to paragraph (a).

§ 81.394 *Contracts for electric power*—(a) *Presidential directives.* \* \* \*

(3) The following memorandum was attached to the 22 October 1942 letter from the President to Mr. Leland Olds, Chairman, Federal Power Commission.

OUTLINE OF PROCEDURE FOR PURCHASE OF POWER FOR WAR PLANTS AND ESTABLISHMENTS

(1) Each agency directly or indirectly responsible for power procurement to designate a Power Procurement Officer to handle all contracts and arrangements for electric power as hereinafter provided.

(2) Each agency to direct its representatives to report promptly to the Power Procurement Officer each proposed procurement of power, in excess of a reasonable minimum, which involves Government approval or any Government obligation. Such reports to include all essential facts in accordance with forms approved by the Federal Power Commission.

(3) Power Procurement Officers to refer such reports promptly to the Federal Power Commission, together with proposed contracts, for determination whether cheaper power supply is available and, if so, how it can be delivered. Federal Power Commission to issue necessary orders after consultation with War Production Board as to priorities and allocations.

(4) Federal Power Commission to determine whether proposed rates and conditions are reasonable and, if unreasonable, to fix proper terms and otherwise cooperate with Power Procurement Officers in effectuating arrangements necessary for securing power on best possible terms.

(5) Review and renegotiation of existing contracts to be in accordance with above procedure.

(b) *War Department Power Procurement Officer.* Pursuant to the directives from the President, set forth in paragraph (a) of this section, Colonel R. C. Kuldell, Office, Chief of Engineers, has been designated by the Secretary of War as the War Department Power Procurement Officer with the following responsibilities for contracts of 1,000 kilowatts or over for electric service to all installations where the War Department has an interest in the cost of electric service:

(1) Review of all existing contracts and initiation of such modifications or changes as are considered to be required

<sup>1</sup> Paragraph (g) is to be included in the article whenever the contract contains the uniform termination article § 81.324.

to comply with the principles expressed in the President's directives.

(2) Review of proposed contracts and of proposed supplements to existing contracts, if such supplements extend the time, alter the contract price, or make any other substantial change in the contract terms, to assure that such contracts and supplements are consistent with the principles expressed in the President's directives.

(c) *Representatives of War Department Power Procurement Officer.* The Repairs and Utilities Divisions of the Service Command Engineer Offices are designated as representatives of the War Department Power Procurement Officer. These representatives will carry out, under his direction, such field activities as may be necessary in connection with contracts and supplements to contracts for electrical service to all establishments within the geographical boundaries of the Service Commands, where the War Department has an interest in the cost of electric service. Commanding Officers at all such establishments will cooperate with these representatives by making available such information as is required for their review of existing and proposed contracts and supplements.

(d) *Liaison with War Department Power Procurement Officer.* The Commanding General, Army Air Forces, and the chiefs of the technical services are directed to designate an officer or civilian representative to maintain liaison with the War Department Power Procurement Officer on matters pertaining to contracts for electric service. The latter should be notified of such appointment and of the address and telephone number of the person designated.

(e) *Required provision in contracts and supplements.* All contracts and supplements of the character referred to in paragraph (b) of this section, will contain a statement that the contract or supplement is subject to the approval of the War Department Power Procurement Officer and will not be binding until so approved. Such contracts and supplements will then be forwarded through the Repairs and Utilities Division of the Service Command Engineer Office to the War Department Power Procurement Officer, Office of the Chief of Engineers, for such approval.

[Procurement Reg. 5]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS  
FOREIGN PURCHASES

In § 81.506 paragraph (c) is amended and paragraph (d) is rescinded.

§ 81.506 *Drawback.* \* \* \*

(c) *Purchase price to include custom duties.* Whenever the Government purchases articles, with respect to which there might arise a claim to a drawback, the price paid shall include the customs duties, and accordingly the manufacturer will have no claim to a drawback.

(d) *Right to drawback under standard tax articles.* [Rescinded]

[Procurement Reg. 6]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS  
INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

In § 81.608 (c) subparagraph (5) is added:

§ 81.608 *Purchases from Federal Prison Industries, Inc., Department of Justice.* \* \* \*

(c) *General clearance.* \* \* \*

(5) Amendment dated 17 February 1944—Under date of 17 February 1944 Clearance C-23445 was amended to read as follows so far as canvas goods are concerned:

*Canvas goods:* Shell covers, barrack bags, shower curtains, bandoleers.

In § 81.610 (c) (1) subparagraph (iv) is added and paragraph (f) is amended.

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

(c) (1) \* \* \*

(iv) By field plants, Justice Department, described under paragraph (i) of this section.

(f) Pursuant to the Provisions of AR 30-2120, The Quartermaster General is charged with the responsibility of coordinating all Army field printing. Questions concerning policies and propriety of field contract printing will be referred to the Office of The Quartermaster General.

The final paragraph of § 81.612 is amended as follows:

§ 81.612 *Purchase of property pursuant to Public Law 670.* \* \* \*

The chiefs of the technical services are authorized, pursuant to the foregoing statute, to purchase property from other Federal agencies on payment of the estimated or actual cost thereof, but proper adjustment on the basis of the actual cost of the material, supplies, or equipment furnished, paid for in advance, shall be made as may be agreed upon mutually. This may not be done, however, if the property has been reported to the Procurement Division, Treasury Department as surplus by the holding agency or if the property has been declared surplus to the needs of the holding agency by the Director of the Bureau of the Budget pursuant to subparagraph (c) of Executive Order No. 9235.

[Procurement Reg. 9]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS  
LABOR

In § 81.917 (b) subparagraph (5) as previously published is deleted. The subparagraphs now remaining are renumbered, a new subparagraph (10) being added:

§ 81.917 *Applicability.* \* \* \*

(b) The following changes and additions to the regulations referred to in paragraph (a) of this section have been published:

(1) Individuals, corporations, or other organizations, not manufacturers or regular dealers as defined by the act, but acting at the instance of Defense Production Associations certified by the War Production Board, are exempt from the representation and stipulation required by section 1 (a) of the act.

(2) All Emergency Plant Facilities Contracts executed on an approved form are exempt from the act.

(3) Ice has been held to be a nonperishable commodity and thus contracts therefor are subject to the act.

(4) Contracts awarded to any railroad or other carrier are excepted from the representations and stipulations required by section 1 of the act.

(5) Contracts awarded for preserved or processed butter during the period from February 3, 1943, to the termination of the present war and three months thereafter are excepted from the representations and stipulations of section 1 of the act (8 F. R. 1652).

(6) Contracts awarded during the present war for the production of training films are excepted from the representations and stipulations required by section 1 of the act.

(7) Contracts awarded for certain canned and dehydrated fruits and vegetables are excepted from the representations and stipulations of section 1 of the act until 31 December 1944 (7 F.R. 10794; 9 id. 405).

(8) Contracts awarded for orange marmalade are excepted from the representations and stipulations of Section 1 of the Act until 31 December 1944 (8 F.R. 14353; 9 id. 405).

(9) Contracts awarded for dehydrated rutabagas are excepted from the representations and stipulations of section 1 of the act until 31 December 1944 (8 F.R. 14353; 9 id. 405).

(10) Contracts awarded for evaporated milk and powdered skim milk are excepted from the representations and stipulations of section 1 of the act until 31 May 1944 (9 F.R. 2805).

(11) Stipulation (c) of Article 1 of the contract stipulations (page 39 of the regulations) has been amended so as to add a colon at the end thereof and the following provisos:

(12) Article 103 (Overtime) of the Administrative Regulations (page 42 of the regulations) has been amended so as to add the following paragraph:

(13) Articles 601, 602, 1101 and 1201 of the Administrative Regulations (pages 43 to 45 of the regulations) have been amended as follows:

(14) The following Article has been added to the aforementioned rulings and interpretations:

ART. 1102 (Tolerance for handicapped workers)

(15) By order dated September 2, 1942, the Secretary of Labor excepted from the requirements of section 1 of \* \* \*

[Procurement Reg. 10]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

PLANT FACILITIES EXPANSIONS

Section 81.1004a is added:

§ 81.1004a *Use of War Department owned machine tools and other industrial equipment for other than War Department production*—(a) *Use by contractor under other contracts or for commercial production.* To promote the most effective possible use of Government owned machine tools and other industrial equipment which have been furnished to private concerns under War Department facilities contracts, the chief of each technical service, or his duly authorized representative, is authorized hereby to permit the use of such machine tools or equipment by the contractor under the conditions hereinafter set forth: *Provided*, That the War Department does not for the time being require such machine tools and equipment for its own production at the contractor's plant. Such use may be permitted:

(1) Where such machine tools and equipment are to be used by the contractor for the performance of other war contracts, either as a prime contractor with any Government department or agency or as a subcontractor.

(2) Where such machine tools and equipment are to be used by the contractor for the production of items determined by the Director, Production Division, Headquarters, Army Service Forces or by the chief of the technical service, or by the duly authorized representative of either of them, to be of importance in some direct and immediate manner to the prosecution of the war or to the national defense. In such cases instruments authorizing the use shall provide for a limitation of such use to a definite period of time or to a definite quantity of production.

(3) Where such machine tools and equipment are to be used by the contractor for other commercial production not directly connected with war procurement and not of the type mentioned in subparagraph (2) above: *Provided*, That the instrument permitting such use expressly states that such permission is granted subject to termination at any time by the chief of the technical service or his duly authorized representative upon written notice to the contractor.

(b) *Lease agreement.* In all instances a fair and reasonable rental will be charged for the use of such machine tools and equipment in an amount determined by the chief of the technical service or his duly authorized representative to be adequate to protect the Government's interest. The lease agreement must make provision for proper repair and maintenance of such machine tools and equipment.

(c) *Quarterly summary report.* A summary report will be made by the chief of each technical service quarterly (as of 31 March, 30 June, 30 September and 31 December) to the Director, Pro-

duction Division, Headquarters, Army Service Forces, giving a summary statement of the approximate value of such machine tools and equipment so leased or used and the number of units involved.

(d) *Statutory authority for lease.* Each instrument authorizing the lease or use of such machine tools and equipment in accordance with these regulations will be made pursuant to Public Law 703, 76th Congress (as amended by Public Law 580, 77th Congress, section 13) and to Title II of the First War Powers Act and Executive Order No. 9001.

(e) *Determination as to benefits from permitted use of machine tools and other industrial equipment.* It is hereby determined that the use to full advantage of Government owned machine tools and other industrial equipment which have been furnished to War Department contractors under facilities agreements, when such machine tools and equipment would otherwise be idle or unproductive:

(1) Will increase production required for war purposes and for the national economy, thereby promoting the interest of national defense and facilitating the prosecution of the war, and

(2) Will tend to reduce the cost to the Government of the war procurement program by obtaining fair compensation for the use of such machine tools and equipment, when idle, much of which is rapidly depreciating in value, and

(3) Will tend to enable war contractors to maintain their plants and working forces in efficient standby condition in intervals between the performance of contracts related to war procurement.

(f) *Authorized procedures not to delay circularization of idle property or declaration as surplus.* It is War Department policy to dispose promptly, in accordance with existing regulations, of all machine tools and equipment which the War Department no longer needs. The procedures authorized by the preceding paragraphs (especially paragraph (a) (3)) will not delay circularization to all Government agencies of idle machine tools and other equipment (excessive at the point of use) or its declaration as surplus. The primary purpose of the authority granted by paragraph (a) (3) is to provide for the effective use of machine tools and other equipment (1) during the period of circularization and pending determination of its appropriate disposition, and (2) during intervals in war production in the plant of the contractor having custody of such machine tools and equipment.

[Procurement Reg. 12]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

RENEGOTIATION AND PRICE ADJUSTMENT; CONTRACT ARTICLES FOR STATUTORY RENEGOTIATION

Sections 81.1207 to 81.1210, inclusive, are amended as follows:

§ 81.1207 *Articles authorized.* Standard forms of contract articles approved

for use in accordance with this procurement regulation No. 12 (§§ 81.1200-81.1292) are set forth in paragraphs (a) (Form I), (b) (Form II), and (c) (Form III) of § 81.342. Except as expressly authorized in this procurement regulation No. 12 or subsequent instructions, deviations from the standard articles will not be used.

§ 81.1208 *Use of articles.* (a) Form I will be used in all fixed price or cost-plus-a-fixed-fee contracts made after 26 March 1944 involving an estimated amount of more than \$100,000 unless such contract is exempt under subsection (i) (1) of the 1943 Act (§ 81.1204) or is exempted pursuant to subsection (i) (4) (§ 81.1205).

(b) If a contract involving an estimated amount of more than \$100,000 and made after 26 March 1944 is exempted pursuant to subsection (i) (4) of the 1943 Act (§ 81.1205), Form I will not be used and Form II will be inserted, unless all subcontracts thereunder are also exempt. If the contract is exempt under subsection (i) (1) of the 1943 Act (paragraphs (a) to (e) of § 81.1204), no renegotiation article will be inserted.

(c) Form III will be inserted (in addition to any renegotiation article contained in the original contract as amended) in each supplemental agreement (including change orders) involving an estimated amount of more than \$100,000 unless such supplemental agreement is exempt under subsection (i) (1) contract as amended contains Form I or Form II. If the supplemental agreement is exempt under subsection (i) (1) of the 1943 Act (paragraphs (a) to (e) of § 81.1204), no renegotiation article need be inserted. If the supplemental agreement has been exempted pursuant to subsection (i) (4) of the 1943 Act (§ 81.1205 et seq.), Form II will be used, unless all subcontracts thereunder are also exempt, and section (c) of Form III will be added.

§ 81.1209 *Optional provisions in subcontracts.* Where a contractor with the War Department or a subcontractor under a prime contract with the War Department is required by his contract or subcontract to insert a renegotiation article in his subcontracts, and there is doubt (a) whether an agreement or order which he proposes to make or place is a subcontract under the Renegotiation Act, or (b) whether it is exempt from renegotiation under subsection (i) of the Renegotiation Act, he should insert the prescribed renegotiation article in the agreement or order, but may add the following additional provision at the end of the article:

This article shall apply to this contract only if it is a "subcontract" subject to renegotiation under the Renegotiation Act.

§ 81.1210 *Use of other articles.* Statutory renegotiation under the contract articles discussed in this section is for the purpose of eliminating excessive profits and is handled by the War Contracts Price Adjustment Board, the War Department Price Adjustment Board and

Price Adjustment Sections. As authorized by the 1943 Act, it is conducted on an over-all basis for the contractor's fiscal year rather than by individual contracts, although the Board may renegotiate by individual contracts at the request of the contractor or subcontractor. Various other articles discussed in the following sections designed to provide for adjustment of the price of the specific contract to meet various types of conditions, may be used in addition to the contract articles for statutory renegotiation.

Section 81.1245 is rescinded:

§ 81.1245 *Changes in termination article.* [Rescinded].

See paragraph (g) of articles contained in paragraphs (a) and (b) of § 81.360.

[Procurement Reg. 13]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

FORMS OF CONTRACTS

In § 81.1307 paragraph 6 (e) of contract form is amended:

§ 81.1307 *W. D. Contract Form No. 7.* \* \* \*

6. \* \* \*

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.*<sup>1</sup> Any such negotiated settlement shall be embodied in a Supplemental Agreement.

In § 81.1308 paragraph 6 (c) of contract form is amended:

§ 81.1308 *W. D. Contract Form No. 8.* \* \* \*

6. \* \* \*

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the unit price above specified for all completed supplies, the costs incurred by you with respect to the uncompleted portion of this order, and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made with respect to such uncompleted portion of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.*<sup>1</sup> Any such nego-

<sup>1</sup> The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 88.15-107 (b). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (b).

tiated settlement shall be embodied in a Supplemental Agreement.

In § 81.1309 paragraph 6 (c) of contract form is amended:

§ 81.1309 *W. D. Contract Form No. 9.* \* \* \*

6. \* \* \*

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.*<sup>1</sup> Any such negotiated settlement shall be embodied in a Supplemental Agreement.

In § 81.1310 paragraph 6 (c) of contract form is amended:

§ 81.1310 *W. D. Contract Form No. 10.* \* \* \*

6. \* \* \*

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.*<sup>1</sup> Any such negotiated settlement shall be embodied in a Supplemental Agreement.

In § 81.1320 Article 3 of contract form is changed to show percentage to be deposited in special account as 85% and Article 5 is amended as follows:

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

ARTICLE 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with \_\_\_\_\_ (Insert percent to be

deposited which shall be not less than 85%) percent (\_\_\_\_\_% ) of all other cash payments under the principal contract (or principal contracts), shall \* \* \*

ARTICLE 5. Except as otherwise provided herein, liquidation of the principal of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of \_\_\_\_\_ percent (\_\_\_\_\_% ) from any and all payments made by the Government under the terms of the principal contract (or principal contracts) or by means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided*, That if at

any time, as a result of amendments to the principal contract (or principal contracts) or otherwise, the unliquidated balance of the principal of advance payments made exceeds ----- percent (-----%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall upon demand of the -----

(Chief of technical service) or his duly authorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts); *Provided further*, That if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

In § 81.1321 Article 2 of contract form is amended as follows:

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

ARTICLE 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe; *Provided*: That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further*: That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

In § 81.1323 Article 3 of contract form is amended to show percentage to be deposited in special account as 85% and Article 5 is amended as follows:

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

ARTICLE 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with -----

(Insert % to be ----- percent (-----%) deposited which shall be not less than 85%) of all cash payments under the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks \* \* \*

ARTICLE 5. Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder shall be made by deductions of ----- per cent (-----%) from any and all payments made by the Government under the terms of the principal contract (or principal contracts) or by

means of direct repayment by the Contractor from his own free funds or from the special account or accounts: *Provided*: That if at any time, as a result of amendments to the principal contract (or principal contracts) or otherwise, the unliquidated balance of the principal of advance payments made exceeds ----- per cent (-----%) of the balance of the total contract price then unpaid, the amount of such excess which has not then been expended or obligated shall upon demand of the -----

(Chief of the technical service) or his duly authorized representative be promptly returned to the Government by withdrawal from the special account or accounts or otherwise, and that portion of the excess which has been expended or obligated may, at the option of the Contractor, be so returned and if not so returned, shall, together with any unexpended or unobligated portion of the excess not otherwise returned to the Government, be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts); *Provided further*: That, if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

In § 81.1324 Article 2 of contract form is amended as follows:

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

ARTICLE 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe; *Provided*, That, if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

[Procurement Reg. 15]

PART 88—TERMINATION OF CONTRACTS

TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

In § 88.15-325 paragraphs (a) and (b) are amended, paragraph (c) is redesignated (d) and a new paragraph (c) is added:

§ 88.15-325 *Termination and settlement of subcontracts*—(a) *Duty to terminate*. Paragraph (b) (3) of the uniform termination article (§§ 81.324 and 88.15-901) for lump sum supply contracts<sup>1</sup> requires that the prime con-

<sup>1</sup> A similar provision is found in paragraph (a) (1) of the old standard termination article (§ 88.15-901a) formerly authorized for lump sum supply contracts and in paragraph (b) (2) of the standard termination article (§ 81.324 (b)) for lump sum construction contracts.

tractor "terminate all orders and subcontracts to the extent that they relate to the performance of any work terminated by the Notice of Termination", except as otherwise directed by the contracting officer. This obligation of the contractor should be performed immediately upon receipt of the notice of termination. Settling with the subcontractors and suppliers then becomes an obligation and responsibility of the contractor, subject to the approval (when required) of settlements by the contracting officer.

(b) *Rights of subcontractors*. Under uniform termination article (§§ 81.324 and 88.15-901) for lump sum contracts,<sup>2</sup> subcontractors and suppliers have no direct rights against the Government upon the termination of a prime contract for the convenience of the Government. The rights of such subcontractors and suppliers are against the prime contractor or intermediate subcontractor who is directly obligated to them on the subcontract or purchase order which they hold. The extent of these rights will generally depend upon the terms of the subcontract or purchase order in question.

(c) *Settlement of subcontracts*. (1) Paragraph (b) (5) of the uniform termination article (§§ 81.324 and 88.15-901) for lump sum supply contracts<sup>3</sup> provides that after receipt of a Notice of Termination, the contractor shall terminate all orders and subcontracts to the extent that they relate to the performance of work terminated and shall "settle all claims arising out of such termination of orders and subcontracts with the approval or ratifications of the Contracting Officer to the extent that he may require, which approval or ratification shall be final for all the purposes of" such article.

(2) The contracting officer in his discretion may authorize the prime contractor to make settlements of subcontracts within some stated figure, where the contracting officer has confidence that such authority will be exercised fairly and reasonably. The contracting

<sup>2</sup> Subcontractors also have no direct rights against the Government in the event of termination under the old standard termination article (§ 88.15-901a) formerly authorized for lump sum supply contracts under the standard termination article (§ 81.324 (b)) for lump sum construction contracts.

<sup>3</sup> The old standard termination article (§ 88.15-901a) formerly authorized for lump sum supply contracts and the standard termination article (§ 81.324 (b)) for lump sum construction contracts contain no requirement that subcontract settlements be approved or ratified by the contracting officer where settlement of the prime contract is on a negotiated basis. However, because such articles provide that the contractor will be reimbursed for such of his costs, expenditures, liabilities, commitments and work as was "reasonably necessary", many contractors requested approval of contracting officers before making subcontract settlements. In addition, such articles require approval by the contracting officer of such settlements as a condition of reimbursing the contractor in a settlement by formula.

officer ordinarily should not require that settlements made by subcontractors with second tier and more remote subcontractors and suppliers be submitted for his prior approval, although he may do so and he may give such approval in any proper case when it is requested. Such settlements should usually be approved after they have been made unless in particular instances the settlements appear to have been made in bad faith. The contracting officer in requiring and granting approval of settlements of subcontracts, particularly those made with second tier and more remote subcontractors, should act reasonably, without unnecessary formality and with recognition of the fact that, as a practical matter, it is impossible for him to attempt to scrutinize such settlements in detail, except in cases where he had cause to doubt the good faith or reliability of the contractor (or other person claiming through him) making the settlement.

(d) *Action to be taken by prime contractor with respect to settlement of subcontracts.* \* \* \*

In § 88.15-350 (d) subparagraph (3) is amended:

§ 88.15-350 *Sale of property.* \* \* \*

(d) *Protection of the rights of assignees and the Government.* \* \* \*

(3) Where the Government has made advance payments, or partial payments pursuant to §§ 88.15-500 to 88.15-506, or participated in guaranteed loans, related to the contract in process of termination, the interest of the Government in preserving adequate security or obtaining payment where property is to be retained by the contractor or in the proceeds of the property which is to be sold or retained for sale by the contractor should be protected by proper coordination, in advance, with the officers or Branch charged with the administration of such advance payments, partial payments, or loans.

Section 88.15-353 is amended to read as follows:

§ 88.15-353 *Where contractor or subcontractor is willing to forego reimbursement for the cost of any property.* Frequently as to certain property (e. g. standard materials and parts) the contractor will be willing to retain or take over property at cost and agree not to include such property in any request for reimbursement. Unless in rare instances where the contracting officer wants the specific property transferred to the Government (as, for example, because it is a critical material or because it has risen sharply in value) it will be normal procedure for the contracting officer to notify the contractor, at the time of serving the termination notice or by subsequent written instructions (see par. 7a of suggested instructions to contractor, § 88.15-936), that, without further authority of the contracting officer, the contractor may retain any property to which he has title if he agrees to make

no request for reimbursement. The contracting officer should direct the contractor similarly to advise subcontractors and suppliers. However, in any case where there is an advance payment or partial payment outstanding with respect to the contract, or a guaranteed loan outstanding to the contractor, subcontractor or supplier, no such blanket authority will be given by the contracting officer without proper coordination in advance with the officers or branch charged with the administration of advance payments, partial payments, or guaranteed loans, as provided in § 88.15-350 (d) (3). Where such blanket authority has previously been granted, it should appropriately be limited or conditioned, if the interests of the Government so require, before an advance or partial payment is thereafter made.

In § 88.15-501 paragraph (b) is amended as follows:

§ 88.15-501 *Partial payments to prime contractors.* \* \* \*

(b) *Criteria.* Partial payments are authorized to be made wherever:

(1) The contractor represents that at least the amount of the proposed partial payment is due;

(2) The contracting officer is satisfied that such amount is clearly within the amount due to the contractor in connection with the termination; and

(3) Such amount is payable without prejudice to the determination of any of the other items involved in the termination. Subject to the provisions of §§ 88.15-504 to 88.15-506 partial payment in the agreed amount may be made as soon as these two determinations have been made.

In § 88.15-806 paragraph (a) is amended as follows:

§ 88.15-806 *Instructions with respect to report form—(a) Successive partial terminations.* (1) In the event that successive partial terminations are effected in regard to one prime contract, each such termination will be treated as a separate transaction (see paragraph (d) (1) of this section) unless it is intended to settle all partial terminations in one supplemental agreement.

(2) When a further termination is made against a contract which has already been partially terminated, and it is intended to settle all partial terminations in one supplemental agreement, the previous partial termination or terminations should be listed in the "Rescinded" section of the Monthly Status Report with an appropriate explanation. The total terminations "to date" against the contract would then be picked up as a single authorized case under the date of one latest current termination.

In § 88.15-912 (a) a footnote is added in connection with paragraph 8 of notice to prime contractor;

§ 88.15-912 *Lump sum supply or construction contracts—(a) Letter notice to prime contractor.* \* \* \*

8. Please acknowledge receipt of this notice by signing the original and one copy and returning them to this office not later

than \_\_\_\_\_, 1943. The other copy is for your files.<sup>4</sup>

JOHN DOE,  
Major, A. C., Contracting Officer.  
Accepted: \_\_\_\_\_, 1943.  
(Contractor)

Section 88.15-922 is amended to read as follows:

§ 88.15-922 *Form of supplemental agreement for partial payments pending final determination of amount payable by Government in connection with termination.*

Supplemental agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_, by the United States of America, hereinafter called "the Government", represented by the contracting officer executing this agreement, and \_\_\_\_\_ hereinafter called the "Contractor".

Witnesseth that: Whereas, on \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_, the parties hereto entered into Contract No. \_\_\_\_\_, and

Whereas, notice of termination of said contract has been given pursuant to Article \_\_\_\_\_ thereof, and

Whereas, under the terms of the said contract, under the First War Powers Act, 1941, and Executive Orders Numbers 9001 and 9112, payments may be made to the contractor in advance of final determination of the amount of which the contractor will be entitled by reason of such termination, and

Whereas, the contractor hereby represents to the Government that at least the sum of \$\_\_\_\_\_ is due the contractor by reason of the termination of said contract and the Government desires to make a payment to the contractor pending the final determination of the amount payable by reason of such termination, and

Whereas, it is deemed that the execution of this agreement will facilitate the prosecution of the war or that the contractor is engaged in a business or operation which is necessary, appropriate or convenient for the prosecution of the war:

ARTICLE I. Upon the execution of this supplemental agreement by the parties hereto, and upon the contractor's submission of a proper voucher therefor, the Government will pay to the contractor the sum of \$\_\_\_\_\_.

ARTICLE II. The payment provided for herein, together with any prior payments received by the contractor in connection with such termination, shall be without prejudice to the right to receive any additional amounts to which the contractor may be entitled as a result of such termination.

ARTICLE III. Said payments shall be applied against the amount finally determined to be payable by the Government to the contractor in connection with such termination. If such payments exceed the amount finally determined to be payable to the contractor in connection with such termination, the contractor agrees to repay the excess to the Government on demand together with interest thereon at the rate of 6% per annum from the date of receipt of such excess payment by the contractor to the date of the repayment of such excess. In the event that an excess payment results from credits arising in favor of the Government by reason of the retention or disposition of property by

<sup>4</sup>In lieu of including paragraph 8 of the above form of notice, the notice may be sent by registered mail with a request for a return receipt. In this event paragraph 8 and the indorsement of acceptance need not be called for. When the returned receipt is signed by or in behalf of the contractor and received by the procurement office initiating the notice, the receipt will be attached to one signed copy of the original notice which will be preserved in the files of the procurement office.

the contractor, the amount of such excess payment shall bear interest at the rate of 6% only from the date when such credits resulted in an excess payment.

In witness whereof, the parties hereto have executed this agreement as of the day and year first above written.

THE UNITED STATES OF AMERICA,  
By \_\_\_\_\_  
Title \_\_\_\_\_

Contractor  
By \_\_\_\_\_  
Title \_\_\_\_\_

[SEAL] ROBERT H. DUNLOP,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 44-5298; Filed, April 14, 1944;  
9:39 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 304]

MILITARY CONTACT FLIGHT OPERATIONS

SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of April 1944.

The following Special Civil Air Regulation is made and promulgated to become effective April 11, 1944:

Military airplanes of the United States making ferry flights over civil airways in compliance with all other contact flight rules, may: (1) Take off from or fly over airports where the local visibility conditions are below the minimum visibility requirements for operation under contact flight rules, if the visibility elsewhere along the civil airways to be flown is above the minimum required by contact flight rules; and (2) be dispatched to fly in the clear above an overcast if the ceiling at both the point of departure and at point of intended landing is unlimited and a contact flight plan has been filed in accordance with § 60.1330.

This regulation shall terminate at the end of the war.

Regulation Serial Number 267 is hereby repealed.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 44-5395; Filed, April 17, 1944;  
10:11 a. m.]

TITLE 19—CUSTOMS BUREAU

Chapter I—Bureau of Customs

[T. D. 51041]

PART 3—DOCUMENTATION OF VESSELS

SURRENDER OF DOCUMENT OF VESSEL COVERED BY PREFERRED MORTGAGE

APRIL 13, 1944.

Subsection O (a) of the Ship Mortgage Act, 1920, requiring approval of United States Maritime Commission to surrender of documents of vessel covered by preferred mortgage, construed.

The following resolution of the United States Maritime Commission construing subsection O (a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961 (a)) was published in the FEDERAL REGISTER of March 29, 1944 (9 F. R. 3410):

BE IT RESOLVED, That the United States Maritime Commission construes section O (a) of the Ship Mortgage Act, 1920, which is contained in section 30 of the Merchant Marine Act, 1920, as not applying to a case in which a vessel owner merely renews the license or changes the document incident to change of trade where the ownership and home port remain the same, or changes to a permanent document on arrival of the vessel at her home port under temporary document.

In view of the foregoing, footnote 19 to § 3.30 (a) of the Customs Regulations of 1943 (19 CFR 3.30 (a)) is hereby amended to read as follows:

\* The requirement of subsection O (a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961 (a)), that the document of a vessel covered by a preferred mortgage may not be surrendered without the approval of the United States Maritime Commission and the mortgagee, does not apply to a renewal of license or change of document incident to change of trade where the ownership and home port remain the same, nor to a change to a per-

manent document on arrival of a vessel at its home port under a temporary document.

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

Approved:

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-5337; Filed, April 15, 1944;  
11:44 a. m.]

TITLE 31—MONEY AND FINANCE:  
TREASURY

Chapter I—Monetary Offices

[1944 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

SECOND QUARTER OF 1944

APRIL 1, 1944.

§ 129.7 Calendar year 1944—(a) Quarter beginning April 1, 1944. Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1944, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 552, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	\$1.6335	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	8.2307	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1695	By Decree of Mar. 31, 1936. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176,625 francs for £1 sterling.
Bolivia	Boliviano	.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Cruzeiro (Milreis)	.2025	Decree law of October 6, 1942, established the cruzeiro as the unit of currency, replacing the milreis. Official rate for cruzeiro in terms of the dollar, announced by the Bank of Brazil, is \$0.0006. Conversion of Stabilization-Office notes into gold suspended November 22, 1930.
British Honduras	Dollar	1.6931	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.6931	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.
Chile	Peso	.2060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan		Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for yuan fixed at 20 to the U. S. dollar by Stabilization Board of China, July 10, 1942.
Hong Kong	Dollar		Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Colombia	Peso	.5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold $\frac{3}{10}$ fine established by monetary law of Nov. 10, 1938, effective Nov. 30, 1938.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932.
Cuba	Peso	1.0000	By law of May 25, 1934.

March 24 1943  
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VALUES OF FOREIGN MONETARY UNITS (AT PAR AS REGARDS GOLD UNITS; NONGOLD UNITS HAVE NO FIXED PAR WITH GOLD)—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
Czechoslovakia	Koruna		
Denmark	Krone	\$0.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Dollar	1.6931	U. S. money is principal circulating medium.
Ecuador	Sucre	.3386	Conversion of notes into gold suspended Feb. 9, 1932.
Egypt	Pound (100 piasters)	8.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended June 28, 1933.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
France	Franc		Provisions of monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Germany	Reichsmark	.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.6931	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.8466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengo	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster		Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.8440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat		Currency pegged to sterling Sept. 28, 1936, at 2,522 lati=£100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should depreciate by more than 5 percent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
Liberia	Dollar	1.6931	U. S. money is principal circulating medium.
Lithuania	Litas	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso		Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies	Guilder (florin)	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 28, 1938; prohibition restored by Act of Nov. 25, 1938. The Anglo-Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.60 guilders for £1 sterling. By act of Sept. 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2.121 per kilogram fine.
Newfoundland	Dollar	1.6931	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua	Cordoba	1.6933	Embargo on gold exports Nov. 13, 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.0000	U. S. money is principal circulating medium.
Paraguay	Guarani		New unit established by decree law Oct. 5, 1943, effective 30 days later; not tied to gold. Certain prior dated obligations, etc., expressed in the gold peso (oro sellado) are converted as equivalent to 1% Guaranis. Initial exchange rate fixed by Bank of the Republic of Paraguay at 1 Guarani equals U. S. \$0.3255. Exchange control established June 28, 1932.
Persia (Iran)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 16, 1935.
Poland	Zloty	.1899	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Spain	Peseta	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Straits Settlements	Dollar	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Sweden	Krona		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 100 and 215 milligrams of fine gold.
Switzerland	Franc		Conversion of notes into gold suspended May 11, 1932.
Thailand (Siam)	Baht (Tical)	.7491	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Turkey	Piaster	.0744	Conversion of notes into gold suspended Dec. 28, 1932.
Union of South Africa	Pound	8.2397	One chervonetz equals 10 rubles. Notes not convertible into gold.
Union of Soviet Republics	Chervonetz	8.7123	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .885018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Uruguay	Peso	.6583	Exchange control established Dec. 12, 1936.
Venezuela	Bolivar	.3267	Exchange control established Oct. 7, 1931.
Yugoslavia	Dinar	.0298	

[F. R. Doc. 44-5338; Filed, April 15, 1944; 11:44 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, War Department

## PART 203—BRIDGE REGULATIONS

## BRIDGE NEAR MILLVILLE, N. J.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the swing span of the New Jersey State Highway Department bridge crossing Manantico Creek, near Millville, New Jersey:

§ 203.223 *Manantico Creek, N. J.; New Jersey State Highway Department bridge near Millville, N. J.* (a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 12 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the

bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable

condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation. (28 Stat. 362; 33 U.S.C. 499) [Regs. 11 April 1944, CE 823 (Manantico Creek—Millville—Port Elizabeth, N. J.—Mile 0.5)—SPEWR.]

[SEAL] EDWARD F. WITSELL,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 44-5398; Filed, April 17, 1944;  
10:18 a. m.]

#### TITLE 43—PUBLIC LANDS: INTERIOR

##### Chapter I—General Land Office (Appendix)

[Public Land Order 220]

##### NEW MEXICO AND TEXAS

#### ORDER ESTABLISHING THE MESSILLA NATIONAL WILDLIFE REFUGE

##### Correction

In F. R. Doc. 44-5290, appearing on page 4031 of the issue for Saturday, April 15, 1944, the 26th line under the heading "Texas" should read: "S. 17°37'-27'' E., 102.77 ft. to a point;". In the first column on page 4032, the 20th line should read: "S. 61°25'50'' E., 873.61 ft. to a point on the".

#### 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 3293—CHEMICALS

[General Allocation Order M-300, Schedule 13]

##### DIPENTENE

§ 3293.1013 *Schedule 13 to General Allocation Order M-300—(a) Definition.* "Dipentene" means certain terpene solvents, consisting largely or entirely of mono cyclic terpene hydrocarbons of the empirical formula  $C_{10}H_{16}$ , having a distilling range and solvent power above that of turpentine.

(b) *General provisions.* Dipentene is subject to allocation under General Allocation Order M-300, as an Appendix B material. The initial allocation date is May 1, 1944. The allocation period is the calendar month. The small order exemption is 5 gallons per person per month.

(c) *Suppliers' applications on Form WPB-2947.* (1) Each supplier seeking authorization to use or deliver dipentene shall file application on Form WPB-2947 (formerly PD-602) on or before the 20th day of the month preceding the proposed delivery month.

(2) Form WPB-2497 should be completely filled in. The unit of measure is gallons. No grade need be specified.

(3) List, individually, the names of customers who have ordered more than the quantity permitted for small orders. No such orders shall be listed or filled unless the customer has filed with the supplier the required end use certificate. An aggregate quantity may be requested for "small orders" without listing the names of the individuals placing the small orders.

(4) Normally the War Production Board will issue its authorizations and directions for delivery by returning Form WPB-2947 to the supplier showing the amount which may be delivered to each customer and the aggregate amount which may be delivered to fill small orders.

(d) *Customers' certificate of end use.* (1) Each person ordering for delivery in any month more than the quantity permitted by the small order exemption shall furnish to each supplier with whom an order is placed a certified statement, in the form and subject to the instructions set forth in Appendix D of General Allocation Order M-300, specifying each separate proposed use to be made of the dipentene and the quantity desired for each such use. Customers' orders accompanied by such certifications should be in the hands of suppliers not later than the 15th day of the month preceding the period during which delivery is sought.

(2) No supplier shall deliver dipentene to any person when he knows or has reason to believe such person's certificate to be false; but in the absence of such knowledge or reason to believe, the supplier may rely on the certificate.

(e) *Customer's one-time report.* (1) Each person (excluding government departments or agencies) who orders for delivery in any month more than the exempt quantity of dipentene shall file with the War Production Board—one time only—a report on Form WPB-3442. The report shall be filed not later than the 20th day of the month during which delivery of dipentene is sought for the first time, but in any case the report need not be filed before May 20, 1944.

(2) Copies of Form WPB-3442 may be obtained at local field offices of the War Production Board. One copy shall be forwarded to the War Production Board. In section I, above Column (c), specify "calendar year, 1943"; Columns (d) to (g) may be left blank. In section II, Column (b) the date to be specified is December 31, 1943; in Column (c) the date to be specified is the last day of

the month preceding the month in which the report is filed. Column (d) may be left blank.

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Schedule shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-Schedule 13.

**NOTE:** Forms WPB-2947 and 3442 and the instructions in this schedule and the appendices of Order M-300 for applications and reports regarding dipentene have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of April 1944.

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

[F. R. Doc. 44-5433; Filed April 17, 1944;  
11:16 a. m.]

#### PART 3087—ELECTRICAL INDICATING INSTRUMENTS

[General Limitation Order L-203, Revocation]

Section 3087.1 *General Limitation Order L-203* is revoked. This revocation does not affect any liability incurred under the order. Manufacturers of electrical indicating instruments must, however, continue to observe any frozen schedules or specific directions which they have received under Order L-203 until they expire by their terms (See Direction 1 to General Scheduling Order M-293). Such manufacturers should also observe carefully the provisions of General Scheduling Order M-293 (and especially Table 9 to Order M-293) which now supersedes Order L-203 with respect to screening purchase orders and scheduling these instruments.

Issued this 15th day of March 1944.

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

[F. R. Doc. 44-5341; Filed, April 15, 1944;  
11:27 a. m.]

#### PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, as Amended Apr. 15, 1944]

##### PARTS AND MATERIALS FOR REPAIRMEN

§ 3175.9a *CMP Regulation 9A—(a) What repairmen can buy materials and parts under this regulation.* Anyone in the business of making repairs may buy materials and parts under this regulation. This includes such persons as farm machinery repair shops, blacksmiths shops, electricians, radio repair shops, plumbers, refrigeration repair shops,

boiler repair shops, motor rewinders, electrical contractors, automotive repair shops, upholstery repair shops, bicycle repair shops, and carpenters. It also includes repair shops which are owned by the persons for whom the repair work is done if that person can segregate the purchases of his repair shop from his other purchases. It also includes persons who recondition or rebuild damaged or used items for resale.

(b) *How much materials a repairman can buy.* Each calendar quarter a repairman may buy, under this regulation, up to 20 tons of carbon and alloy steel, a total of 500 pounds of copper and copper base alloy brass mill and foundry products, and 200 pounds of aluminum, in the forms listed in Schedule I. In addition, refrigeration repairmen, domestic appliance repairmen, electricians, electrical contractors, and radio repairmen may buy \$150 worth of copper wire, or one-eighth of what they used in making repairs in 1941 (figured as accurately as possible by dollar value), whichever is more. A repairman may buy as much other material and repair parts as he needs for his maintenance and repair work.

(c) *How to buy materials under this regulation.* (1) When buying materials and parts under this regulation a repairman must put on his order a certification in substantially the following form:

CMP Allotment Symbol V-3; Preference Rating AA-3

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

He must sign the certification himself, or as described in Priorities Regulation No. 7. An order for controlled materials bearing this certification is an authorized controlled material order under all CMP regulations.

(2) If a repairman does repair work for persons who have the right to use a preference rating higher than AA-3 to buy non-controlled materials and parts for their own maintenance, and repair, the repairman may use that rating to buy what he needs to do their work or to replace in inventory what he has already used for that purpose.

(d) *How a repairman can get more controlled materials.* (1) The War Production Board may authorize repairmen who do work primarily of an industrial nature to buy up to 2000 pounds of copper wire and a total of 2000 pounds of copper and copper base alloy brass mill and foundry products, and to use the preference rating AA-2. To get this authority, a repairman must apply to the War Production Board, Reference CMP Regulation No. 9A, Washington (25), D. C., by letter giving information show-

ing what kind of work he is doing, and what kind of customers he has.

(2) If a repairman needs to buy more controlled materials a quarter than he can get under this regulation including what an industrial repairman can get under paragraph (1), he should fill out and send Form CMP-4B to the War Production Board, Washington (25), D. C. The War Production Board may allot him controlled materials and assign him a preference rating. If he gets an allotment, he may not buy any controlled materials or non-controlled materials or parts under this regulation.

(e) *What kind of work a repairman may do with materials or parts bought under this regulation.* A repairman may use what he buys under this regulation only to do maintenance and repair work. He may not use what he buys to make products, such as repair parts, which he does not expect to use himself in making repairs.

A repairman may use what he buys under this regulation to recondition or rebuild a damaged or used item which he plans to sell, but he may not use it to replace material or parts which are still usable, nor to replace material or parts solely to improve it from its original design.

(f) *Restrictions on inventory.* A repairman may not accept delivery of any item of parts or materials bought under this regulation if his inventory of that item of parts or materials is or would be by accepting delivery become larger than he needs to continue his repair and maintenance service for a 60-day period, according to his current method of operation. A repairman may not accept delivery of any item of copper wire if his inventory of that item is or would be by accepting delivery become more than he needs for a 15-day period. However, if the supply of any item which he has on hand is less than the permitted amount, he may accept delivery of the smallest commercial amount of that item which his distributor normally sells, even if that will increase his supply beyond the amount specified.

(g) *Effect of other orders and regulations.* (1) Repairmen buying and using parts and materials under this regulation are subject to all applicable provisions of the other orders and regulations of the War Production Board as amended from time to time. Attention is specifically called to the provisions of Conservation Order M-9-c and M-9-c-4 which limit the use of copper, Order M-1-i which limits the use of aluminum, Order M-126 which limits the use of steel, and Order L-41 which forbids construction (including wiring and piping) except under certain conditions. Information concerning these orders can be secured from the nearest War Production Board field office.

(2) No item appearing on List A or B of Priorities Regulation No. 3, (such as automotive repair parts) may be bought under this regulation.

(3) Certain orders of the War Production Board require special applications

for some materials and parts. An example of this type of order is M-328, Textiles. A repairman will not be able to buy these materials and parts under this regulation. Generally his supplier can tell him if a special application is needed.

(g-1) *Certain items may not be rated by a repairman.* No repairman may use the AA-3 rating assigned by this regulation to buy any of the following items. These items are made available to repairmen and retailers on a pro-rata basis without the use of ratings, and a repairman does not need a rating to get his fair share.

The following radio repair items:

Capacitors (CMP Code No. 500).  
Microphones and loudspeakers (CMP Code No. 505).  
Resistors (CMP Code No. 506).  
Transformers (CMP Code No. 510).  
Tubes (CMP Code No. 511).

Paint.

(h) *Communications.* Any communications or appeals under this regulation should be made by writing a letter to the War Production Board, Reference CMP Regulation 9A, Washington (25), D. C.

Issued this 15th day of April 1944.

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

#### SCHEDULE I<sup>1</sup>

##### STEEL

Carbon steel (including wrought iron):

Bars, cold finished.  
Bars, hot rolled or forged.  
Ingots, billets, blooms, slabs, die blocks, tube rounds, skelp, and sheet and tin bar.  
Pipe, including threaded couplings of the types normally supplied on threaded pipe by pipe mills.  
Plates.  
Rails and track accessories.  
Sheets and strip.  
Steel castings.  
Structural shapes and piling.  
Tin plate, terne plate, and tin mill black plate.  
Tubing.  
Wheels, tires, and axles.  
Wire rods, wire and wire products.

Alloy steel (including stainless):

Bars, cold finished.  
Bars, hot rolled or forged.  
Ingots, billets, blooms, slabs, die blocks, tube rounds, sheet bar.  
Pipe including threaded couplings of the types normally supplied on threaded pipe by pipe mills.  
Plates, all plates (including rolled armor plate in the form and shape to which it is rolled by the steel mill and prior to any subsequent fabrication) and including nickel clad and stainless clad.

Track accessories.  
Sheets and strip.  
Structural shapes.  
Steel castings.  
Tubing.  
Wheels, tires and axles.  
Wire rods, wire, and wire products.

<sup>1</sup> This schedule is identical in substance with Schedule I of CMP Regulation 1.

COPPER AND COPPER-BASE ALLOY PRODUCTS

NOTE: Item III, "Powder \* \* \*" deleted Apr. 15, 1944.

I. Brass mill products (for the purpose of this regulation):

Alloy sheet and strip:

Alloy plate, sheet, and strip (including strip equivalent of ammunition cups and discs).

Alloy rods, bars and wire including extruded shapes:

Alloy rods, bars and wire (including extruded shapes and ammunition slugs).

Alloy seamless tubing and pipe:

Alloy seamless tubing and pipe.

Brass mill copper products:

Plate, sheets, and strip.

Rods, bars, and wire including extruded shapes (not including wire bars and ingot bars, or rod and wire for electrical conduction).

Tube and pipe.

II. Wire mill copper products:

Wire and cable (bare, insulated, armored, and copper-clad steel) for electrical conduction.

III. Foundry copper and copper-base alloy products:

Castings (before machining).

ALUMINUM

Rod, bar, wire and cable:

Rod and bar.

Wire (wire covers maximum diameter under 3/8" in rounds, ovals, squares, hexagonals, octagonals, and rectangles).

Cable (electrical transmission only).

Rivets:

Rivets.

Forgings, pressings and impact extrusions:

Forgings and pressings (before machining).

Impact extrusions.

Castings:

Cylinder head castings for air-cooled engines.

Heat treated sand castings, except cylinder heads.

Non-heat treated sand castings.

Heat treated permanent mold castings.

Non-heat treated permanent mold castings.

Cold-chamber die castings.

Gooseneck die castings.

Other castings (including rotor, centrifugal, plaster, etc.).

Shapes, rolled or extruded:

Rolled structural shapes (angle, channels, zees, tees, etc.).

Extruded shapes.

Sheet, strip, plate and foil:

Sheet, strip and plate.

Foil (0.005" and thinner).

Tubing and tube blooms:

Tubing.

Tube blooms (tube redraw stock).

Ingot and powder:

Powder (including atomized, granular, flake, paste and pigment).

Ingot, pig, billets, slabs, etc.

INTERPRETATION 1

REPAIR PARTS

Paragraph (b) of CMP Regulation 9A assigns a preference rating of AA-3 to a repairman to buy repair parts and materials for carrying on his repair work. The term "repair parts and materials" does not include any complete item ordinarily used by itself. For instance, a repairman can use the rating to buy grates which he requires in repairing furnaces, but cannot buy a complete furnace by use of the rating. Similarly, an industrial repairman could buy a gear needed to repair a lathe but could not buy a complete lathe. (Issued Dec. 15, 1943.)

[F. R. Doc. 44-5339; Filed, April 15, 1944; 12:06 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, Interpretation 2]

RESPONSIBILITIES OF DISTRIBUTORS OF MATERIALS AND PARTS TO REPAIRMEN

The following interpretation is issued with respect to CMP Regulation 9A:

(a) A distributor who receives an order under CMP Regulation No. 9A is entitled to rely upon the customer's certification that he is entitled to place the order, and is not required to find out whether his customer is complying with the regulation, unless he knows or reasonably believes otherwise. However, in the case of copper tubing which a distributor bought under Direction 1, the distributor must know or reasonably believe that his customer is a refrigeration, automotive, or gas or oil burner repairman. If he delivers materials or parts under those circumstances in good faith, he is not responsible even though in fact his customer was not entitled to buy the materials or parts, or used them to do work not permitted by paragraph (e) of the regulation.

(b) Sometimes a distributor will receive both MRO orders and V-3 orders from the same customer. Paragraph (g-1) of CMP Regulation 5, and paragraph (c) (2) of CMP Regulation 9A, allow a repairman to use his customer's MRO symbol and rating to get materials needed for repair, in addition to materials bought with the rating and symbol assigned by CMP Regulation 9A.

Hence, unless he knows or has reason to believe that his customer does not have the right to use both symbols and the related preference ratings, the distributor may rely upon the customer's certification that he is entitled to use them.

Issued this 15th day of April 1944,

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

[F. R. Doc. 44-5340; Filed, April 15, 1944; 12:06 p. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 9, as Amended Apr. 15, 1944]

RADIO AND RADAR DIVISION

§ 3208.10 Table for Radio and Radar Division. The following amended table is issued pursuant to the provisions of General Scheduling Order M-293. Paragraph (f) of General Scheduling Order M-293 does not apply to products on this Table 9. Wherever the designation "Y" on this table applies to purchase orders for more than a certain amount, or more than a certain number of units, no person shall avoid the provisions of the order which relate to "Y" products by subdividing his purchase orders.

Type of scheduled products M-293	Designation	Applicable forms column			
		1	2	3	4*
1. Capacitors (fixed)					
a. Ceramic capacitors		3002.17	3401		2 mos.
b. Electrolytic capacitors		3002.17	3401		2 mos.
c. Mica capacitors		3002.17	3401		2 mos.
d. Paper capacitors		3002.17	3401		2 mos.
e. Capacitors for power factor correction (rated in K. V. A.)		3002.17	3401		2 mos.
2. Coaxial cable—radio frequency		3002.16	3401		2 mos.
a. Solid-dielectric synthetic-insulation		3002.16	3401		2 mos.
b. Gas- or air-filled rigid lines		3002.16	3401		2 mos.
3. Resistors, fixed and variable		3002.18	3401		2 mos.
4. Transformers		3002.31	3401		2 mos.
a. Transformers, reactors, and chokes for non-power (electronic) applications only		3002.31	3401		2 mos.
b. Transformers, specialty		3002.31	3401		2 mos.
5. Vibrapacks and vibrators, electronic		3002.73	3401		2 mos.
6. Microphones and loud speakers		3002.72	3401		2 mos.
7. Switches, radio & radar		3002.74	3401		2 mos.
a. High frequency circuit switches (1 Ampere maximum)		3002.74	3401		2 mos.
b. Jack switches		3002.74	3401		2 mos.
c. Anti-capacity switches		3002.74	3401		2 mos.
8. Electrical instruments (including test instruments and test equipment). A measuring mechanism the indicator of which responds to a change in an electrical quantity. This shall not include: (1) Any polarized vane instrument made with metal bearings and normally used in automotive vehicles and mobile construction machinery; or (2) any electrical aircraft self-synchronous indicator or transmitter; or (3) test equipment made for his own use by a manufacturer who does not offer a similar type of test equipment for sale commercially.					
a. Panel indicating instruments.** An electrical instrument for switchboard or panel mounting and normally connected to a circuit for continual measurement. This definition includes instrument mechanisms and instrument relays made therefrom; also, small panel, switchboard, and electrical aircraft instruments.	X	1685	1685		1 mo.
(i) Any order for 500 or more identical panel indicating instruments.	Y			1682	
(ii) Any order for any type of panel indicating instrument having a full scale deflection resulting from a current of 150 microamperes or less.	Y			1682	
b. Integrating instruments. Electrical instruments which indicate the value of an electrical function with respect to time. This includes domestic and commercial watt-hour meters, demand meters, total hour meters, and ampere-hour meters.		1685	1685		1 mo.
c. Graphic instruments. (Panel and portable types.) Electrical instruments which record the present value of an electrical quantity with respect to time by means of a moving chart. This includes only electrical graphic instruments designed and used primarily for the measurement of electrical quantities. This does not include temperature or pressure recording and controlling graphic instruments.		1685	1685		1 mo.
d. Electrical test instruments. An electrical instrument of the general types listed below which is normally connected to the circuit under test for a temporary reading. The model number designations below apply to the instruments which are given that identification by the manufacturer, and the provisions of this order apply to those instruments regardless of any different identification given them on purchase orders or otherwise. No person shall avoid the provisions of this order by changing any model number designation specified below.		3002.21	3001.21		3 mos.

\*Where a product is designated "XY" on this table, the freeze interval in Column 4 does not in any way change or limit frozen schedules which have been established for longer periods on purchase orders approved under the "Y" procedure on Forms 3243, 1682, or 1319.

\*\*All purchase orders for panel indicating instruments, except purchase orders of the kinds stated in items 8a. (i) and 8a. (ii), may now be placed without prior approval on Forms WPB-1682.

Type of scheduled products M-293	Designation	Applicable forms column.			
		1	2	3	4
<b>8. Electrical instruments—Continued.</b>					
<b>d. Electrical test instruments—Continued.</b>					
<b>(i) Testers:</b>					
<b>(a) Electronic testers—includes Vacuum Tube Voltmeters, electronic (all models):</b>					
Hewlett Packard Company: Model 400-A	XY	3002.21	3001.21	3243	3 mos.
Ballantine Laboratories: Model 300-A	XY	3002.21	3001.21	3243	3 mos.
Alfred Barber Laboratories: Model VM-27	XY	3002.21	3001.21	3243	3 mos.
General Radio Company: Model 726-A	XY	3002.21	3001.21	3243	3 mos.
<b>Hickok Elect. Instr. Co.:</b>					
Model 110	XY	3002.21	3001.21	3243	3 mos.
Model 202	XY	3002.21	3001.32	3243	3 mos.
<b>Radio City Products:</b>					
Model 663-A	XY	3002.21	3001.21	3243	3 mos.
Model 664	XY	3002.21	3001.21	3243	3 mos.
<b>Precision Apparatus Co.:</b>					
Model EV-10	XY	3002.21	3001.21	3243	3 mos.
Model I-107	XY	3002.21	3001.21	3243	3 mos.
Radio Corp. of America: Model 165-A	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.					
<b>(b) High sensitivity (20,000 ohms per volt and over, not electronic) Volt-ohmmeters, and Volt-Ohm-Milliameters, including instruments with decibel and capacity ranges.</b>					
----- 3002.21 3001.21 ----- 3 mos.					
Hickok Elect. Instr. Co.: Model 133-B	XY	3002.21	3001.21	3243	3 mos.
Precision Apparatus Co.: Model 856	XY	3002.21	3001.21	3243	3 mos.
Simpson Electric Company: Model 260	XY	3002.21	3001.21	3243	3 mos.
Supreme Instruments Corp.: Model 592	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.: Model 1600-E	XY	3002.21	3001.21	3243	3 mos.
<b>Weston Elect. Instr. Corp.:</b>					
Model 663	XY	3002.21	3001.21	3243	3 mos.
Model 772	XY	3002.21	3001.21	3243	3 mos.
Model 785 (all types)	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.					
<b>(c) Medium sensitivity (5,000 to 19,000 ohms per volt sensitivity) Volt-Ohmmeter, Volt-Ohm-Milliameters, including instruments with decibel and capacity ranges.</b>					
----- 3002.21 3001.21 ----- 3 mos.					
Simpson Electric Company: Model 215	XY	3002.21	3001.21	3243	3 mos.
Supreme Instruments Corp.: Model 542	XY	3002.21	3001.21	3243	3 mos.
Triplett Elect. Instr. Co.: Model 666-S	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.					
<b>(d) Low sensitivity (below 5,000 ohms per volt sensitivity) Volt-Ohmmeter, Volt-Ohm-Milliammeter, including instruments with decibel and capacity ranges.</b>					
----- 3002.21 3001.21 ----- 3 mos.					
<b>Precision Apparatus Company: Model 844</b>					
<b>Simpson Electric Company:</b>					
Model 230	XY	3002.21	3001.21	3243	3 mos.
Model 240	XY	3002.21	3001.21	3243	3 mos.
Model 443	XY	3002.21	3001.21	3243	3 mos.
Model 324	XY	3002.21	3001.21	3243	3 mos.
<b>Supreme Instruments Corp.:</b>					
Model 537	XY	3002.21	3001.21	3243	3 mos.
Model 543	XY	3002.21	3001.21	3243	3 mos.
Model 543-S (TE-50)	XY	3002.21	3001.21	3243	3 mos.
<b>Triplett Elect. Instr. Co.:</b>					
Model 666	XY	3002.21	3001.21	3243	3 mos.
Model 666-H	XY	3002.21	3001.21	3243	3 mos.
Model 1200-A	XY	3002.21	3001.21	3243	3 mos.
<b>Weston Elect. Instr. Corp.:</b>					
Model 564	XY	3002.21	3001.21	3243	3 mos.
Model 665	XY	3002.21	3001.21	3243	3 mos.
Model 697	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.					
<b>(ii) Electronic tube checkers (all types including combination tube checkers and set testers):</b>					
----- 3002.21 3001.21 ----- 3 mos.					
<b>General Communications Co.: Electronic Tube Tester</b>					
<b>Hickok Elect. Instr. Co.:</b>					
Model 510-X	XY	3002.21	3001.21	3243	3 mos.
Model 530	XY	3002.21	3001.21	3243	3 mos.
Model 540	XY	3002.21	3001.21	3243	3 mos.
Model 545 (I-177)	XY	3002.21	3001.21	3243	3 mos.
Model 550-X (Navy OZ)	XY	3002.21	3001.21	3243	3 mos.
Model 560	XY	3002.21	3001.21	3243	3 mos.
<b>Precision Apparatus Company:</b>					
Model 910	XY	3002.21	3001.21	3243	3 mos.
Model 920	XY	3002.21	3001.21	3243	3 mos.
<b>Supreme Instruments Corp.: Model 504-A</b>					
<b>Triplett Elect. Instr. Co.:</b>					
Model 1213	XY	3002.21	3001.21	3243	3 mos.
Model 1612	XY	3002.21	3001.21	3243	3 mos.
Model 1613	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.					
<b>(iii) Output meters</b>					
----- 3002.21 3001.21 ----- 3 mos.					
<b>Daven Company:</b>					
Model D-180	XY	3002.21	3001.21	3243	3 mos.
Model I-61	XY	3002.21	3001.21	3243	3 mos.
Model I-83	XY	3002.21	3001.21	3243	3 mos.
<b>General Radio Company:</b>					
Model 483-F	XY	3002.21	3001.21	3243	3 mos.
Model 583-A	XY	3002.21	3001.21	3243	3 mos.
<b>Simpson Electric Company: Model 427</b>					
<b>Triplett Elect. Instr. Co.: Model 650-SC</b>					
<b>Weston Elect. Instr. Corp.:</b>					
Model 571	XY	3002.21	3001.21	3243	3 mos.
Model 695 (all types)	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 5 or more units of all other models of the above manufacturers and of all models of other manufacturers.					

Type of scheduled products M-293	Designation	Applicable forms column			
		1	2	3	4
<b>8. Electrical instruments—Continued.</b>					
<b>d. Electrical test instruments—Continued.</b>					
(iv) Ohmmeters, Megohmmeters, and Megger Testers.....		3002.21	3001.21		3 mos.
Associated Research, Inc.: All Models.....	XY	3002.21	3001.21	3243	3 mos.
Biddle, James G., Company:					
Model 7671.....	XY	3002.21	3001.21	3243	3 mos.
Model 7672.....	XY	3002.21	3001.21	3243	3 mos.
Model 7673.....	XY	3002.21	3001.21	3243	3 mos.
Model 7674.....	XY	3002.21	3001.21	3243	3 mos.
Model 7675.....	XY	3002.21	3001.21	3243	3 mos.
Model 7676.....	XY	3002.21	3001.21	3243	3 mos.
Model 7679.....	XY	3002.21	3001.21	3243	3 mos.
Model 703.....	XY	3002.21	3001.21	3243	3 mos.
Model 704.....	XY	3002.21	3001.21	3243	3 mos.
Model 705.....	XY	3002.21	3001.21	3243	3 mos.
Herman Stiebt & Co.: All Models.....	XY	3002.21	3001.21	3243	3 mos.
Weston Elect. Instr. Corp.: Model 796.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 2 or more units of all other models of the above manufacturers and of all models of other manufacturers.....	Y	3002.21		3243	
(v) Portable electrical indicating instruments.....		3002.21	3001.21		3 mos.
Rawson Elect. Instr. Co.: All Models.....	XY	3002.21	3001.21	3243	3 mos.
Sensitive Research Instr. Co.: All Models.....	XY	3002.21	3001.21	3243	3 mos.
Weston Elect. Instr. Corp.: Model 622.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 100 or more units of all other models of the above manufacturers and of all models of other manufacturers.....	Y	3002.21		3243	
(vi) "Q" meters and "QX" checkers: All Models.....	XY	3002.21	3001.21	3243	3 mos.
(vii) Bridges:					
(a) Wheatstone bridges.....	XY	3002.21	3001.21	3243	3 mos.
(b) Megohm bridges.....		3002.21	3001.21		3 mos.
General Radio Company: Model 544-B.....	XY	3002.21	3001.21	3243	3 mos.
(c) Kelvin bridges.....	X	3002.21	3001.21		3 mos.
(d) Resistance limit bridges.....	X	3002.21	3001.21		3 mos.
(e) Impedance bridges.....		3002.21	3001.21		3 mos.
General Radio Company:					
Model 650-A.....	XY	3002.21	3001.21	3243	3 mos.
Model 821.....	XY	3002.21	3001.21	3243	3 mos.
Oregon Electronics All Models.....	XY	3002.21	3001.21	3243	3 mos.
(f) Capacitance bridges.....		3002.21	3001.21		3 mos.
Clough-Brengle Co.:					
Model 230.....	XY	3002.21	3001.21	3243	3 mos.
Model CLB-60007.....	XY	3002.21	3001.21	3243	3 mos.
General Radio Company:					
Model 716-B.....	XY	3002.21	3001.21	3243	3 mos.
Model 740-B.....	XY	3002.21	3001.21	3243	3 mos.
Model 740-BG.....	XY	3002.21	3001.21	3243	3 mos.
(g) Capacitance limit bridges.....	XY	3002.21	3001.21	3243	3 mos.
(h) Inductance bridges.....		3002.21	3001.21		3 mos.
General Radio Company: Model 667-A.....	XY	3002.21	3001.21	3243	3 mos.
(i) Vacuum tube bridges.....	XY	3002.21	3001.21	3243	3 mos.
Purchase orders for 2 or more units of all other models of the above manufacturers and of all models of other manufacturers.....	Y	3002.21		3243	
<b>e. Electrical test equipment.....</b>		3002.21	3001.21		3 mos.
(i) Radio frequency generators:					
(a) Standard laboratory type (below 50 MC).....	XY	3002.21	3001.21	3243	3 mos.
(b) FM standard laboratory type (below 50 MC).....	XY	3002.21	3001.21	3243	3 mos.
(c) Ultra high frequency type (below 500 MC).....	XY	3002.21	3001.21	3243	3 mos.
(d) FM ultra high frequency type (below 500 MC).....	XY	3002.21	3001.21	3243	3 mos.
(e) Very high frequency type.....	XY	3002.21	3001.21	3243	3 mos.
(f) Test oscillator type.....	XY	3002.21	3001.21	3243	3 mos.
(ii) Audio frequency generators.....		3002.21	3001.21		3 mos.
(a) Variable frequency type.....	XY	3002.21	3001.21	3243	3 mos.
(b) Square wave type.....		3002.21	3001.21		3 mos.
(c) Fixed frequency type.....		3002.21	3001.21		3 mos.
(iii) Radio frequency measuring equipment.....		3002.21	3001.21		3 mos.
(a) Wave-meter-absorption type.....	XY	3002.21	3001.21	3243	3 mos.
(b) Wave-meter-heterodyne type.....	XY	3002.21	3001.21	3243	3 mos.
(c) RF noise meter.....	XY	3002.21	3001.21	3243	3 mos.
(d) Field strength meter.....	XY	3002.21	3001.21	3243	3 mos.
(e) Calibrator.....		3002.21	3001.21		3 mos.
(f) Modulation monitor.....		3002.21	3001.21		3 mos.
(g) Interpolation oscillator.....	XY	3002.21	3001.21	3243	3 mos.
(iv) Audio frequency measuring equipment.....		3002.21	3001.21		3 mos.
(a) Audio frequency meters, electronic.....	XY	3002.21	3001.21	3243	3 mos.
(b) Analyzer, wave or harmonic.....	XY	3002.21	3001.21	3243	3 mos.
(v) Universal measuring equipment.....		3002.21	3001.21		3 mos.
(a) Laboratory oscilloscope.....	XY	3002.21	3001.21	3243	3 mos.
(b) Service oscilloscope.....	XY	3002.21	3001.21	3243	3 mos.
(c) Signal tracer.....		3002.21	3001.21		3 mos.
(vi) Miscellaneous electronic equipment.....		3002.21	3001.21		3 mos.
(a) Stroboscopes.....	XY	3002.21	3001.21	3243	3 mos.
(b) Laboratory audio frequency amplifiers.....		3002.21	3001.21		3 mos.
(c) Sound and vibration meters.....	XY	3002.21	3001.21	3243	3 mos.
(d) Direct current amplifiers.....		3002.21	3001.21		3 mos.
(e) Precision variable condensers.....	XY	3002.21	3001.21	3243	3 mos.
(f) Primary frequency standards.....	XY	3002.21	3001.21	3243	3 mos.
<b>9. Vacuum tubes, electronic (excluding X-ray tubes and tungar type rectifiers).....</b>		1083	(***)		
<b>10. Vacuum tube production machinery (all types).....</b>			3401		3 mos.
a. Glass lathes.....	X		3401		3 mos.
b. Grid winding lathes.....	X		3401		3 mos.
c. Stem machines.....	X		3401		3 mos.
d. Exhaust machines.....	X		3401		3 mos.
e. Sealing machines.....	X		3401		3 mos.
f. Any combination of sealing and exhaust machines.....	X		3401		3 mos.

\*\*\*Order boards are not required on any tube types and, therefore, no form is indicated in this column.

Type of scheduled products M-293	Designation	Applicable forms column			
		1	2	3	4
11. Industrial and mechanical instruments		3002.40	3607		4 mos.
a. Pyrometers:					
(i) Potentiometer pyrometers		3002.40	3607		4 mos.
(ii) Millivoltmeter pyrometers		3002.40	3607		4 mos.
(a) Diesel engine type pyrometers		3002.40	3607		4 mos.
b. Pressure instruments		3002.41	3607		4 mos.
(i) Dial pressure gauges		3002.41	3607		4 mos.
(a) Drawn case gauges, bourdon tube		3002.41	3607		4 mos.
(b) Drawn case gauges, diaphragm element		3002.41	3607		4 mos.
(c) Approved navy gauge, Spec. 45GI, bronze tube element		3002.41	3607		4 mos.
(d) Approved navy gauge, Spec. 45GI, steel tube element		3002.41	3607		4 mos.
(e) Approved navy gauge, Spec. 45GI, duplex type		3002.41	3607		4 mos.
(f) Heavy duty and refinery type industrial gauges, bronze tube element		3002.41	3607		4 mos.
(g) Heavy duty and refinery type industrial gauge, steel tube element		3002.41	3607		4 mos.
(h) Airborne oxygen gauges		3002.41	3607		4 mos.
(i) Railroad type gauges		3002.41	3607		4 mos.
(ii) Recording and/or controlling pressure instruments		3002.40	3607		4 mos.
c. Temperature tube system instruments		3002.40	3607		4 mos.
(i) Recording temperature controllers, air operated		3002.40	3607		4 mos.
(ii) Recording thermometers		3002.40	3607		4 mos.
(iii) Dial thermometers, 4" and over		3002.40	3607		4 mos.
d. Flow metering instruments		3002.40	3607		4 mos.
(i) Differential type flow (including differential liquid level)		3002.40	3607		4 mos.
(ii) Area flow instruments (rotameters)		3002.40	3607		4 mos.
e. Industrial thermometers		3002.40	3607		4 mos.
(i) 7" and 9" scales		3002.40	3607		4 mos.
(ii) 5" scale		3002.40	3607		5 mos.
f. Complete combustion control systems		3002.40	3607		4 mos.
g. Metallic bellows and bellows assemblies (Manufacturers who file order boards on this product are required to list only those purchase orders which are identifiable as for the account of the Army, Navy, Maritime Commission, or Petroleum Administration for War.		3002.40	3607		4 mos.
12. Regulation equipment		3002.70	3607		4 mos.
a. Control valves		3002.70	3607		4 mos.
(i) Purchase orders of \$5,000 or more	Y			1319	
b. Liquid level mechanisms		3002.70	3607		4 mos.
(i) Purchase orders of \$5,000 or more	Y			1319	
c. Control valves and liquid level mechanisms		3002.70	3607		4 mos.
(i) Purchase orders of \$5,000 or more	Y			1319	
d. Regulators		3002.70	3607		4 mos.
(i) Self-operated temperature regulators		3002.70	3607		4 mos.
(ii) Pilot operated pressure regulators (employing the controlled fluid as a valve positioning medium)		3002.70	3607		4 mos.
(iii) Pilot operated pressure regulators (employing external fluid: compressed air, oil, or water as valve operating medium)		3002.70	3607		4 mos.
(iv) Weight loaded pressure regulators, balanced pressure regulators, differential pressure regulators		3002.70	3607		4 mos.

ing nylon) the total nylon content of which is 95% or more by weight.

(b) *Restrictions on nylon.* (1) No person shall sell or deliver nylon except as specifically authorized in writing by the War Production Board.

(2) No person shall knowingly purchase, accept delivery or commercially use nylon contrary to any restriction of the War Production Board.

(c) *Restrictions on nylon waste.* No person shall sell, purchase, deliver, accept delivery, process or commercially use nylon waste except to recover nylon flake. No person shall mix nylon waste with any other waste material having less than 95% nylon content by weight.

*Export of Fine Rayon Yarn and Rayon Fabrics*

(d) *Definitions.* (1) "Rayon fabrics" mean broad woven synthetic fabrics (over 24 inches in width) made from continuous filament viscose yarn, cuprammonium yarn or cellulose acetate yarn, from viscose or acetate staple fiber, or from combinations or blends containing more than 50 per cent by weight of any such synthetic yarns. The term shall not include velvets, plushes, and other pile fabrics, upholstery, drapery and tapestry fabrics, and jacquard woven fabrics.

(2) "Fabric producer" means a person who wove, or caused to be woven for him on commission, an average of more than 25,000 yards of rayon fabrics per week during the three months' period ending September 30, 1943. Wherever the words "his total yardage production" or "produced by him" are used in paragraph (e), they refer to the yardage of rayon fabrics manufactured for, as well as by, the fabric producer.

(3) "Procurement orders" mean orders for rayon fabrics placed by the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priority Regulation 17), the Maritime Commission or War Shipping Administration.

(4) "Export orders" means, with respect to fine rayon yarns as defined in General Preference Order M-37-d, orders bearing a preference rating of AA-3 or higher, and with respect to rayon fabrics, orders bearing a preference rating of AA-5 or higher, for material which is covered by or the subject of one of the following:

(i) An export license issued by Foreign Economic Administration.

(ii) A release certificate issued by or pursuant to the authority of Foreign Economic Administration in connection with a program license of the Foreign Economic Administration.

(iii) A United States Treasury Procurement Division contract or requisition placed for Foreign Economic Administration under the Act of March 11, 1941, (Lend-Lease).

NOTES. For explanation of period for which schedule is frozen, see paragraph (c) (3) of M-293.

All the products in this table are exempt from the provisions of paragraph (f) of M-293. WPB-3003 may be used in place of WPB-3401.

Issued this 15th day of April, 1944.

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

[F. R. Doc. 44-5342; Filed, April 15, 1944;  
11:27 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-356, as Amended Apr. 15, 1944]

SYNTHETIC FIBERS, YARNS AND FABRICS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of synthetic fibers, yarns and fabrics 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:

*Nylon*

§ 3290.326 *General Conservation Order M-356—(a) Definitions.* (1) "Nylon" means synthetic fiber-forming polymeric amides having a protein-like chemical structure, derivable from coal, air and water, or other substances, and characterized by extreme toughness and strength and the peculiar ability to be formed into fibers (yarns and fabrics) and into various shapes, such as bristles, sheets, etc. "Nylon" also means fibers, yarn, thread and fabrics made of nylon.

(2) "Nylon waste" means waste, noils and garnetted or reclaimed fibers (including scraps and clippings, generated in the manufacture of thread, fabrics, rope, braiding or other material contain-

The following interpretation is issued with respect to General Conservation Order M-310:

"Military order" as defined in paragraph (a) (5) does not include orders for delivery against contracts placed by the Office of Foreign Relief Administration or the United Nations Rehabilitation and Relief Administration, or orders for hides, skins or leather for incorporation in products to be delivered against such contracts.

Issued this 15th day of April 1944.

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

[F. R. Doc. 44-5343; Filed, April 15, 1944;  
11:27 a. m.]

(iv) A purchase by The Canadian Commodity Prices Stabilization Corporation.

Deliveries to or for the United States Army, Navy, Maritime Commission or War Shipping Administration are not exports for the purpose of this order.

(e) (1) No preference rating applied or assigned in connection with any export order as defined in paragraph (d) (4) shall be valid, used, or given any effect unless the preference rating is applied and extended as provided in Priorities Regulation 3 and, in addition, substantially one of the following notations (whichever is appropriate) is placed on the order:

(i) The goods hereby ordered will be exported under export license No. \_\_\_\_\_ issued (fill in)

by Foreign Economic Administration.

(ii) The goods hereby ordered will be exported under release certificate No. \_\_\_\_\_ (fill in)

issued by or pursuant to the authority of Foreign Economic Administration.

(iii) The goods hereby ordered are the subject of United States Treasury Procurement Division Contract No. \_\_\_\_\_ (fill in)

(iv) The goods hereby ordered will be delivered to or for the account of The Canadian Commodity Prices Stabilization Corporation.

(When this is done the requirements of M-328 are met, and it is unnecessary to use any other notation.)

(2) No person shall purchase, accept delivery of, deliver or knowingly sell for delivery for export any rayon yarn or rayon fabric, without a preference rated export order as defined in paragraph (d) (4), except rags or pieces of fabric shorter than ten yards commonly sold by the pound.

NOTE. Paragraphs (f), (g) and (h), formerly (e), (f) and (g), redesignated April 15, 1944.

(f) *Establishment of export quotas for fine rayon yarn.* (1) An export quota system is hereby established for the producers of fine rayon yarn as defined in General Preference Order M-37-d. Such export quotas will be established from time to time by the War Production Board within which quotas the Foreign Economic Administration will be authorized to assign preference ratings. Until further notice from the War Production Board, each producer of fine rayon yarn shall, regardless of preference ratings, each day set aside an amount of such yarn equal to the production of 4% of his active spindles producing viscose or cuprammonium yarn and 4% of his active spindles producing acetate yarn. The number of active spindles producing high tenacity tire-type rayon yarn shall not be included in computing the above percentages. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as

nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule. No producer of fine rayon yarn shall be compelled to export or accept an order for export of fine rayon yarn under export license granted by the Foreign Economic Administration in excess of the export quota so established for him: *Provided*, That no such producer shall be prohibited from exporting or accepting an order for export of fine rayon yarn in excess of such quota, unless specifically prohibited by the War Production Board.

(2) *Disposition of export yarn not booked or delivered.* All export yarn set aside from the production of any one month, pursuant to the provisions of paragraph (f) (1) and which has not been delivered or booked during said month, shall be immediately available for sale to any person otherwise eligible to purchase such yarn.

(3) [Deleted Feb. 8, 1944]

(g) *Establishment of export quota for rayon fabrics.* (1) An export quota system is hereby established for rayon fabrics. Pursuant to such system export quotas will be fixed from time to time by the War Production Board. Until further notice from the War Production Board, each fabric producer must accept and fill export orders for rayon fabrics until they aggregate for the current calendar quarter four per cent of his total yardage production of rayon fabrics (excluding yardage produced by him to fill procurement orders) during the preceding calendar quarter. No fabric producer is required to accept or fill export orders for more than the established export quota, nor for more than fifteen per cent of any particular construction of rayon fabrics produced by him during the current calendar quarter. However, he is not prohibited from doing so, unless compliance with other orders or regulations of the War Production Board would forbid it.

(2) *Unfilled export quota to be carried over to next quarter.* If a fabric producer does not fill his entire export quota of rayon fabrics in any calendar quarter, the unfilled portion shall be added to his quota for the next succeeding quarter. The portion so carried over which is not filled in such succeeding quarter may be dropped. To illustrate: if the export quota of a fabric producer for the second quarter of 1944 is 100,000 yards and he books or delivers only 75,000 yards during that quarter, the remaining 25,000 yards shall be added to his quota for the third quarter of 1944. If his quota for that quarter is also 100,000 yards, he is required to accept and fill export orders aggregating 125,000 yards during the third quarter. Any part of the 25,000 yards not delivered during the third quarter is thereafter free from the restrictions of this order.

#### Miscellaneous Provisions

(h) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, and General

Conservation Order M-328, as amended from time to time.

(2) *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.

(3) *Reports.* Each producer of rayon fabrics shall forward to the War Production Board each week a copy of every export order accepted by him during the week. Each producer of rayon fabrics shall file with the War Production Board quarterly production reports on Form WPB-658-C within the time specified on said form. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-356.

Issued this 15th day of April 1944.

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

[F. R. Doc. 44-5344; Filed, April 15, 1944; 11:27 a. m.]

#### PART 3293—CHEMICALS

[Preference Rating Order P-149]

#### CAN ENAMELS

For the purpose of facilitating the acquisition of can enamels for the public interest and to promote the defense of the United States, preference ratings are hereby assigned to deliveries of materials necessary for the manufacture of such can enamels upon the following terms:

§ 3293.621 *Preference Rating Order P-149*—(a) *Purpose.* The purpose of this order is to make it easier for producers of can enamels to obtain materials necessary for the production of such enamels required as coatings for containers to be used for certain limited purposes defined in the order.

(b) *Definitions.* (1) "Can enamels" mean any organic enamels, protective coatings and linings usable for coatings for containers.

(2) "Containers" mean any unused cans or other receptacles made in whole or in part of tinsplate, terneplate or

blackplate, and which are suitable for packing any product, and include any metal closure, fiber-base closure liner and any other device made of metal for sealing, covering, or closing a receptacle of any kind.

(3) "Producer" means any person who produces or manufactures can enamels.

(4) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to the producer.

(c) *Assignment of preference rating.* Subject to the terms of this order, the preference rating of AA-2 is hereby assigned to deliveries to the producer by his suppliers of material to be physically incorporated by such producer into can enamels.

(d) *Application and extension of ratings.* The rating assigned by paragraph (c) of this order shall be applied and extended only in accordance with Priorities Regulation No. 3, as amended from time to time. Any person applying or extending such rating shall add to the required certification the notation "P-149, Can Enamels."

(e) *Limitation on use of preference ratings.* No producer shall sell or deliver any can enamels incorporating any material acquired by him under a purchase order or contract to which he shall have applied the rating which this order permits except where:

(1) Such can enamels are to be sold or delivered by the producer to container manufacturers for application to containers which are to be used only for the packaging of (i) products purchased by or for the account of the United States Army, Navy, Maritime Commission or the War Shipping Administration or (ii) food, drugs, pharmaceuticals and insecticides; and

(2) The manufacturer of containers ordering the can enamels shall have furnished to the producer a signed certificate, in substantially the following form:

The can enamels hereby ordered will be used only for containers which will be sold to persons ordering them for one of the purposes specified by War Production Order P-149.

-----  
(Name of purchaser)

By -----  
(Authorized official)

Certificates need not be filed with the War Production Board, but should be retained by each producer for at least two years.

(f) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: P-149.

Issued this 15th day of April 1944.

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

[F. R. Doc. 44-5345; Filed, April 15, 1944;  
11:27 a. m.]

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

[Limitation Order L-126, Schedule III, as Amended Apr. 17, 1944]

**REQUIRED SPECIFICATIONS FOR COIL OR TUBE ASSEMBLIES FOR REFRIGERATION CONDENSERS OR COOLERS**

§ 1071.5 *Schedule III to Limitation Order L-126—(a) Definitions.* For the purpose of the schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles any coil or tube assemblies for refrigeration condensers or coolers.

(2) A "coil or tube assembly for condensers" means an assembly used in a refrigerating or air conditioning "system" as defined in paragraph (a) (1) of Limitation Order No. L-126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is removed from the vaporized refrigerant.

(3) A "coil or tube assembly for coolers" means an assembly used in a refrigerating or air conditioning "system" as defined in paragraph (a) (1) of Limitation Order No. L-126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is absorbed by either a volatile refrigerant or a non-volatile medium such as water.

(4) "Protective coating" means a surface coating applied to any or all parts of a "coil or tube assembly for condensers or coolers" for the purpose of retarding or preventing corrosion.

(5) "Integral fin tubing" means finned tubing, the fins and tubes of which are formed from the same piece of metal by extrusion or by any machine operation.

(6) "Metallic fin bond" means a tie between tubing and fins obtained through the use of a metallic base substance usually applied with heat. The fin surface of integral fin tubing shall be considered as having a metallic fin bond.

(7) "Mechanical fin bond" means a tie obtained between tubing and fins by physical contact and without the use of a metallic base substance.

(8) "Fin height" means the distance from the outside of a pipe or tube to the nearest outside edge of the fin.

(9) [Deleted Apr. 17, 1944]

(10) "Lend-lease country" means the government of any foreign country receiving aid pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Required specifications.* Pursuant to Limitation Order No. L-126, the following required specifications are hereby established for coil or tube assemblies for condensers or coolers:

(1) In the manufacture of any coil or tube assembly for condensers or of any coil or tube assembly for coolers, no producer shall, except for use aboard ship,

(i) Use any non-ferrous metals, except

(a) For soldering or brazing materials, or

(b) For protective coatings, or

(c) For any coil or tube assembly for water cooled condensers as referred to in paragraph (b) (3) of this schedule, or

(d) For coolers which come in direct contact with dairy or egg products (whether or not the coolers have a protective coating).

(e) For coil or tube assemblies for coolers of the finned type only, or

(f) For coil or tube assemblies to be used in farm milk coolers of the immersion type, or

(g) For pipe or tubing to be used in water or brine coolers of the shell and tube type.

(ii) [Deleted Apr. 17, 1944]

(iii) [Deleted Apr. 17, 1944]

(2) In the manufacture of any coil or tube assembly for air-cooled condensers no producer shall

(i) Except for use aboard ship, use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller;

(ii) Except for use aboard ship, use a metallic protective coating (other than paint) where a mechanical fin bond is employed;

(iii) Use a protective coating containing more than 7% tin where a metallic fin bond is employed;

(3) In the manufacture of any coil or tube assembly for water-cooled condensers, no producer shall, except for use aboard ship

(i) Use more than 7 lbs. of non-ferrous metals per condensing unit nominal horse power for all self-contained refrigeration condensing units: *Provided, however,* That where, for the purpose of simplification, one condenser is designed to be used with either of two or more self-contained condensing units, not more than 9.0 lbs. of non-ferrous metals per condensing unit nominal horse power of the smaller unit may be used.

(ii) Use more non-ferrous metals per ton of refrigeration, for other than self-contained condensing unit condenser assemblies, than the following:

7 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures above 30° F.

8 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures from 0° to 30° F., inclusive.

9 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures below 0° F.

"Ton of refrigeration", as here used, means the removal of heat, at the low side, at the rate of 12,000 B. T. U. per hour; total tons to be based on the design operating load of the low side connected to the condensing unit or units with which the condenser is used.

(4) In the manufacture of any coil or tube assembly for evaporatively cooled condensers, no producer shall:

(i) Use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller; or

(ii) Use a combination protective coating and metallic fin bond containing more than 7% tin.

(5) In the manufacture of any cooler coil or tube assembly for air-cooling, no producer shall:

(i) Use a metallic protective coating containing more than 7% tin, except that when the coil is used in food storage and the air passing over the coil is in direct contact with the food a hot-dipped galvanized coating or a coating containing not more than 35% tin may be used, and except also that for use aboard ship in connection with food storage the use of protective metallic coatings is not restricted by this paragraph; or

(ii) [Deleted Jan. 11, 1944]

(c) *Applicability of order.* (1) The required specifications established by paragraph (b) (1) to (5) inclusive, shall not prohibit:

(i) The production, fabrication, delivery, acceptance, or installation of coil or tube assemblies, the plans of which had on September 2, 1942, been drawn and accepted by or for the account of the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, or Lend-Lease countries, or

(ii) The use (in the production or fabrication of, or the delivery, acceptance, or installation of coil or tube assemblies for condensers or coolers) of any of the following materials in a producer's possession or control or in transit to a producer on September 2, 1942:

(a) Steel tubing.

(b) Coil or tube assemblies which on said date were in finished form or the parts for which had on said date been cast, machined or otherwise processed in such manner that the manufacture of such assemblies in conformance with this Schedule III would be impractical.

(iii) The use (in coil or tube assemblies for condensers or coolers) of non-ferrous metals where the assembly is to replace an existing assembly of like metal.

Issued this 17th day of April 1944.

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

[F. R. Doc. 44-5431; Filed, April 17, 1944;  
11:16 a. m.]

#### PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-298, as Amended  
Apr. 17, 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) 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 (or Form WPB-2752). 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 in accordance with the current instructions for the form. (Applications on Form WPB-2752 will continue to be accepted by the War Production Board until March 15, 1944 only.) 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 purchase order bearing a preference rating assigned on Form CMPL-224, Form GA-1456 or under any order in the P-19 series: *Provided*, That 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) [Deleted Apr. 17, 1944]

(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 requirement of paragraph (b) 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 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.

(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) *Communication.* 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 17th day of April 1944.

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

[F. R. Doc. 44-5432; Filed, April 17, 1944;  
11:16 a. m.]

## Chapter XI—Office of Price Administration

## PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 23]

## FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Maximum Price Regulation No. 426 is amended in the following respects:

1. Paragraph (b) of Appendix H is amended as follows:

a. In footnote 3 to Table 1 the word "cents" before the phrase "per pound" is amended to read "cent".

b. Item 3 in column 6 of Table 4 is amended to read as follows:

\$3.25 plus freight (including 3% transportation tax) from Pompano, Florida, plus 10 cents for protective services, for all markets east of and including Chicago, Illinois; and from San Jose, California, plus 10 cents for protective services for all markets west of Chicago, Illinois.<sup>7</sup>

c. Item 4 in column 6 of Table 4 is amended to read as follows:

\$2.70 plus freight (including 3% transportation tax) from Pompano, Florida, plus 10 cents for protective services for all markets east of and including Chicago, Illinois; and from San Jose, California, plus 10 cents for protective services for all markets west of Chicago, Illinois.<sup>7</sup>

2. Paragraph (c) of Appendix H is amended as follows:

a. The letter "B" in the heading of the Table is amended to read "b".

b. The word "bushels" in footnote 3 to the Table is amended to read "bushels".

3. Paragraph (d) of Appendix H is amended as follows:

a. Paragraph (d) (2) (i) is amended by adding the phrase "in Column 6" after the words "maximum delivered price".

b. Paragraphs (d) (2) (ii) and (d) (2) (iii) are amended by adding, in each case, the words "Column 6 of" before the words "the applicable table in paragraph (b)".

c. Paragraph (d) (2) (iv) is amended to read as follows:

(iv) For sales by growers or country shippers delivered from the country shipping point in conveyances owned by the seller to government procurement agencies, institutional buyers, or retail stores where resale is made to ultimate consumers, the maximum price in each case is the price for the listed commodity named in Column 7 of the applicable table in paragraph (b). (For deliveries made in a conveyance not owned by growers or country shippers when sales are made by growers or country shippers through brokers, shippers' sales agents, commission merchants or terminal auctions, see subdivisions (i), (ii) and (iii) above; for all other deliveries made in conveyances not owned by growers or country shippers the price named in Column 6 of the applicable table in paragraph (b) applies.) For sales by

growers or country shippers to ultimate consumers the maximum price is the price for the listed commodity named in Column 7 of the applicable table in paragraph (b) multiplied by 1.33.

4. Paragraph (e) of Appendix H is amended as follows:

a. Paragraph (e) (1) is amended by adding the phrase "in Column 6" after the words "maximum delivered price".

b. Paragraphs (e) (2), (e) (3), (e) (4), and (e) (5) are amended by adding, in each case, the words "Column 6 of" before the words "the applicable table in paragraph (b)".

c. The last undesignated paragraph of paragraph (e) (5) is amended to read as follows:

"Service wholesaler" means a person who maintains a store or warehouse at which the particular goods being priced is received and stored or warehoused, who maintains at such store or warehouse facilities for cold storage, ripening, trimming, sorting, washing, re-packing and other handling of the listed commodity, who employs salesmen to call on the trade in the city or country points which he services, and who sells the particular goods being priced to retail stores, government procurement agencies or institutional buyers.

d. Paragraph (e) (6) is amended by adding the word "applicable" before the words "markup named in Columns 8, 9 or 10".

e. Paragraphs (e) (7) and (f) (4) are revoked.

5. In paragraph (b) (1) (i) of Appendix I the phrase "of the standard orange box" is amended to read "of the standard orange box, standard grapefruit box".

6. Paragraph (b) (1) (ii) of Appendix I is amended to read as follows:

(ii) For Florida and Texas citrus fruits, "standard" or "legal" container means 1½ bushel containers (wooden nailed boxes or wirebound crates) conforming to the specifications for citrus boxes and as published in Freight Container Bureau Tariffs No. 2B, ICC No. 14, and No. 3A, ICC No. 15, as amended, packed and lidded in conformity with the requirements of the Florida Citrus Commission for Florida fruit and in accordance with the requirements of the Texas Commission of Agriculture for Texas fruit. The term, "standard" or "legal" container, also includes two "half boxes" or two "half strap boxes" packed and lidded in conformity with the requirements of the Agricultural Codes of these states, or a "full box bag" or two "half box bags" or four "quarter box bags" or eight "one-eighth box (10 lbs.) bags" or ten "one-tenth box (8 lbs.) bags" or sixteen "one-sixteenth box (5 lbs.) bags", containing a quantity of citrus fruit equivalent to that contained in a 1½ bushel container as described above.

7. The last sentence of the first paragraph of paragraph (c) of Appendix I is amended to read "(For other transactions by these sellers, see the table in paragraph (d) and the provisions of paragraphs (e), (f) and (g).)".

8. Table 1 of paragraph (c) of Appendix I is amended as follows:

a. The letter "x" between the figure 6 and 13 in footnote 1 is deleted.

b. The last sentence of footnote 1 is amended to read "(See footnote 2 below)".

c. A footnote designation "5" is inserted after the word "freight" in item 1 column 6 and footnote 5 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case on the basis of the published estimated weight and rate for the standard 1½ bushels nailed box shipped in refrigerator cars.

d. A footnote designation "6" is inserted after the word "tax" in item 1 column 6 and footnote 6 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

9. Table 2 of paragraph (c) of Appendix I is amended as follows:

a. In item 1 column 6 the word "homestead" is amended to read "Homestead".

b. The last sentence of footnote 3 is amended to read "(See footnote 4 below)."

c. In footnote 4 the letter "E" is amended to read "e".

d. Footnote 5 is amended to read

\*Maximum prices named in this table do not apply to fruit produced in Florida that is marked "Indian River". (See Table 3.)

e. Footnote 6 is amended to read as follows:

\*For all wholesale receiving points in the State of Florida and from October 1 to March 15 for that part of the State of Texas including and south of the following counties: Galveston, Harris, Waller, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards and Val Verde, the total allowance for freight (including 3% transportation tax) and protective services to be added to the Col. 5 price shall be 25 cents per standard container of 1 3/5 bushel contents.

f. A footnote designation "8" is inserted after the word "freight" in item 1 column 6 and footnote 8 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case, except as provided in footnote 6, on the basis of the published estimated weight and rate for the 1½ bushels wirebound crate (container 5004) shipped in refrigerator cars.

g. A footnote designation "9" is inserted after the word "tax" in item 1 column 6 and footnote 9 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

10. Table 3 of paragraph (c) of Appendix I is amended as follows:

a. The last sentence of footnote 3 is amended to read "(See footnote 4 below)."

b. Footnote 5 is amended to read:

\*Maximum prices named in this table do not apply to fruit produced in Florida and not marked "Indian River". (See Table 2.)

c. Footnote 6 is amended to read as follows:

\*For all wholesale receiving points in the State of Florida and from October 1 to March 15 for that part of the State of Texas includ-

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

<sup>7</sup> 8 F.R. 16294, 16409, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493.

ing and south of the following counties: Galveston, Harris, Waller, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards and Val Verde, the total allowance for the freight (including 3% transportation tax) and protective services to be added to the Column 5 price shall be 25 cents per standard container of 1½ bushel contents.

d. A footnote designation "8" is inserted after the word "freight" in item 1 column 6 and footnote 8 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case, except as provided in footnote 6, on the basis of the published estimated weight and rate for the 1½ bushels wirebound crate (container 5004) shipped in refrigerator cars.

e. A footnote designation "9" is inserted after the word "tax" in item 1 column 6 and footnote 9 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

11. Table 4 of paragraph (c) of Appendix I is amended as follows:

a. In items 3 and 4 of column 2 a comma is inserted after the word "points" and before the word "except".

b. In items 5 and 6 of column 2 the footnote designation "4" is amended to read "1."

c. In items 7 and 8 of column 2 the semicolon, after the word "sale" and before the word "in", is deleted.

d. In items 1 and 2 of column 6 the comma, after the word "Utah" and before the word "and", is deleted and a semicolon substituted therefor.

e. In items 7, 8, 9, 10, 11, 12, 13 and 14 of column 2 the phrase "in California-Arizona", in each case, is amended to read "in California and Arizona".

f. In footnote 1 to Table 4 of paragraph (c) the sign "&" is deleted, and the last sentence is amended to read "(See footnote 2 below.)"

g. In footnote 2 to Table 4 the letter "E" is amended to read "e".

h. A footnote designation "5" is inserted after the word "freight" in item 1 column 6 and footnote 5 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case on the basis of the published estimated weight and rate for the standard 1½ bushels nailed box shipped in refrigerator cars.

i. A footnote designation "6" is inserted after the word "tax" in item 1 column 6 and footnote 6 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

12. Table 5 paragraph (c) of Appendix I is amended as follows:

a. In item 3 of column 2 a comma is inserted after the word "points" and before the word "except".

b. In items 3, 4, 5, 6, and 7 the phrase "in California-Arizona", in each case, is amended to read "in California and Arizona".

c. In item 1 of column 6 of Table 5 the colons after the word "Utah" and after

the word "States" are deleted and semicolons substituted therefor.

d. The last sentence of footnote 1 is amended to read "(See footnote 2 below.)"

e. In footnote 2 the letter "E" is amended to read "e".

f. A footnote designation "5" is inserted after the word "freight" in item 1 column 6 and footnote 5 is added to read as follows:

\*The freight to be added as determined in accordance with section 8 (a) (7), shall be figured in each case on the basis of the published estimated weight and rate for the standard 1½ bushels nailed box shipped in refrigerator cars.

g. A footnote designation "6" is inserted after the word "tax" in item 1 column 6 and footnote 6 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

13. Table 6 of paragraph (c) of Appendix I is amended as follows:

a. The last sentence of footnote 3 is amended to read "(See footnote 4 below.)"

b. Footnote 5 is amended to read:

\*Maximum prices named in this Table do not apply to fruit produced in Florida that is marked "Indian River". (See Table 7.)

c. Footnote 6 is amended to read as follows:

\*For all wholesale receiving points in the State of Florida and from October 1 to May 1 for that part of the State of Texas including and south of the following counties: Galveston, Harris, Waller, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards, and Valverde, the total allowance for freight (including 3% transportation tax) and protective services to be added to the Column 5 price shall be 25 cents per standard container of 1½ bushel contents.

d. A footnote designation "8" is inserted after the word "freight" in item 1 column 6 and footnote 8 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case, except as provided in footnote 6, on the basis of the published estimated weight and rate for the 1½ bushels wirebound crate (container 5004) shipped in refrigerator cars.

e. A footnote designation "9" is inserted after the word "tax" in item 1 column 6 and footnote 9 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

14. Table 7 of paragraph (c) of Appendix I is amended as follows:

a. In item 1 column 6 the word "homestead" is amended to read "Homestead".

b. The last sentence of footnote 3 is amended to read "(See footnote 4 below.)"

c. Footnote 5 is amended to read:

\*Maximum prices named in this Table do not apply to fruit produced in Florida and not marked "Indian River". (See Table 6.)

d. Footnote 6 is amended to read as follows:

\*For all wholesale receiving points in the State of Florida and from October 1 to May

1 for that part of the State of Texas including and south of the following counties: Galveston, Harris, Waller, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards and Valverde, the total allowance for freight (including 3% transportation tax) and protective services to be added to the Column 5 price shall be 25 cents per standard container of 1½ bushel contents.

e. A footnote designation "8" is inserted after the word "freight" in item 1 column 6 and footnote 8 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case, except as provided in footnote 6, on the basis of the published estimated weight and rate for the 1½ bushels wirebound crate shipped in refrigerator cars.

f. A footnote designation "9" is inserted after the word "tax" in item 1 column 6 and footnote 9 is added to read as follows:

\*The amount of tax to be included shall be calculated on freight and the protective service allowance.

15. Table 8 of paragraph (c) of Appendix I is amended as follows:

a. The last sentence of footnote 2 is amended to read "(See footnote 3 below.)"

b. In footnote 3 the letter "E" is amended to read "e".

c. In footnote 4 the word "Walco" is amended to read "Waller" and the phrase "for freight and protective services" is amended to read "for freight (including 3% transportation tax) and protective services."

d. A footnote designation "6" is inserted after the word "freight" in item 1, column 6, and footnote 6 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7), shall be figured in each case, except as provided in footnote 4, on the basis of the published estimated weight and rate for the standard 1½ bushels nailed box shipped in refrigerator cars.

e. A footnote designation "7" is inserted after the word "tax" in item 1, column 6, and footnote 7 is added to read as follows:

\*The amount of tax to be included shall be figured on freight and the protective service allowance.

16. Table 9 of paragraph (c) of Appendix I is amended as follows:

a. In items 7 and 8 of column 2 the comma and the word "except" are deleted.

b. In items 5 and 6 of column 6 the word "items" in each case is amended to read "item".

c. The last sentence of footnote 1 is amended to read "(See footnote 2 below.)"

d. A footnote designation "5" is inserted after the word "freight" in item 1, column 6, and footnote 5 is added to read as follows:

\*The freight to be added, as determined in accordance with section 8 (a) (7) shall be figured in each case on the basis of the published estimated weight and rate for the standard 1½ bushels nailed box shipped in refrigerator cars.

e. A footnote designation "6" is inserted after the word "tax" in item 1, col-

umn 6, and footnote 6 is added to read as follows:

<sup>6</sup> The amount of tax to be included shall be figured on freight and the protective service allowance.

17. Table 10 of paragraph (c) of Appendix I is amended as follows:

a. In item 3 of column 2 the comma after the word "washed" and before the word "graded" is deleted and the word "and" is substituted therefor.

b. In item 1 column 6 the word "homestead" is amended to read "Homestead".

c. A footnote designation "7" is inserted after the word "freight" in item 1 column 6 and footnote 7 is added to read as follows:

<sup>7</sup> The freight to be added, as determined in accordance with section 8 (a) (7) shall be figured in each case, except as provided in footnote 5, on the basis of the published estimated weight and rate for two  $\frac{1}{2}$  bushel nailed boxes shipped in refrigerator cars.

d. A footnote designation "8" is inserted after the word "tax" in item 1 column 6 and footnote 8 is added to read as follows:

<sup>8</sup> The amount of tax to be included shall be figured on freight and the protective service allowance.

e. Footnote 5 is amended to read as follows:

<sup>5</sup> For all wholesale receiving points in the State of Florida and from October 1 to March 15 for that part of the State of Texas including and south of the following counties: Galveston, Harris, Waller, Washington, Lee, Bastrop, Travis, Blanco, Kerr, Edwards and Valverde, the total allowance for freight (including 3% transportation tax) and protective services to be added to the Column 5 price shall be 25 cents per standard container of 1 $\frac{1}{2}$  bushel contents.

18. Table 11 of paragraph (c) of Appendix I is amended as follows:

a. In item 6 of column 2 of Table 11 of paragraph (c) the comma after the word "washed" and before the word "graded" is deleted and the word "and" is substituted therefor.

b. The last sentence of footnote 1 of Table 11 is amended to read "(See footnote 2 below.)".

c. A footnote designation "5" is inserted after the word "freight" in item 1 column 6 and footnote 5 is added to read as follows:

<sup>5</sup> The freight to be added, as determined in accordance with section 8 (a) (7) shall be figured in each case on the basis of the published estimated weight and rate of the standard 1 $\frac{1}{2}$  bushel nailed box shipped in refrigerator cars.

d. A footnote designation "6" is inserted after the word "tax" in item 1 column 6 and footnote 6 is added to read as follows:

<sup>6</sup> The amount of tax to be included shall be figured on freight and the protective service allowance.

19. The table in paragraph (d) of Appendix I is amended as follows:

a. In footnote 1 the word "ahall" is amended to read "shall".

b. Footnote 2 is corrected to read:

<sup>2</sup> Column 13 does not apply to sales made in bulk. Bulk sales of any quantity by a service wholesaler shall be priced under column 12.

20. In paragraph (e) (2) (iv) of Appendix I the sentence "(For deliveries made in conveyances not owned by the seller, see paragraphs (i), (ii) and (iii) above.)" is amended to read "(For deliveries made in conveyances not owned by growers or country shippers when sales are made by country shippers or growers through brokers, shippers' sales agents, commission merchants or terminal auctions, see paragraphs (i), (ii) and (iii) above; for all other deliveries made in conveyances not owned by growers or country shippers the price named in Column 6 of the applicable table in paragraph (c) applies."

21. Paragraph (f) of Appendix I is amended as follows:

a. Paragraph (f) (3) (i) is amended to read as follows:

(i) The maximum price in each case for sales by persons other than growers and country shippers through a terminal auction is the maximum delivered price, as named in Column 6 of the applicable table in paragraph (c), plus (1) the markup named in Column 9 of the table in paragraph (d), plus (2) any actual unloading charges in the terminal market. All charges incurred in the making of the sale are included in the named markup and shall not be added to it.

b. Paragraph (f) (5) (iv) is amended to read as follows:

(iv) "Service wholesaler" means a person who maintains a store or warehouse at which the particular goods being priced is received and stored or warehoused, who maintains at such store or warehouse facilities for cold storage, sorting, repacking, and other handling of the fruit, who employs salesmen to call on the trade in the city or country points which he services, and who sells the particular goods being priced to retail stores, government procurement agencies or institutional buyers.

c. The first sentence of paragraph (f) (5) (v) is amended to read:

The maximum price for sales by secondary jobbers or service wholesalers delivered to the premises of any purchaser located outside of the free delivery zone is the maximum delivered price named in Column 6 of the applicable table in paragraph (c) plus the applicable markup named in Columns 11, 12 and 13 of the table in paragraph (d), plus the cost of transportation, beyond the free delivery zone, figured at the lowest common or contract carrier rate for available transportation, from the seller's place of business to the premises of the purchaser.

This amendment shall become effective April 14, 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 14th day of April 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

Approved: April 13, 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-5330; Filed, April 14, 1944;  
4:28 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL  
COMMODITIES

[MPR 426; Amdt. 24]

FRESH FRUITS AND VEGETABLES FOR TABLE  
USE, SALES EXCEPT AT RETAIL

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

Maximum Price Regulation 426 is amended in the following respects:

1. Paragraph (g) of Appendix I in section 15 is amended to read as follows:

(g) *Adjustments by regional and district offices.* The authority delegated by sections 2 (a) and 2 (b) of this regulation to the regional and district offices does not apply to citrus fruits. For citrus fruits, the regional offices of the Office of Price Administration, and such district offices as they in turn may authorize, are authorized:

(1) To determine the limits of the free delivery zone at any wholesale receiving point located within its jurisdiction and to adjust upwards or downwards the allowances for sales by secondary jobbers and service wholesalers on a non-delivered basis and to adjust upwards or downwards the allowances for transportation beyond the free delivery zones, at the lowest rates for customary and generally available means of transportation.

(2) To determine and publish orders announcing the maximum amounts which carlot or trucklot receivers may add to their maximum prices for deliveries made within the free delivery zone at that wholesale receiving point.

(3) To adjust upwards or downwards the maximum markups established for sales by growers or country shippers through commission merchants in less-than-carlots or less-than-trucklots ex car, ex truck, ex dock, or terminal sales platform, and for sales by carlot or trucklot receivers ex car, ex truck, ex dock, or ex terminal sales platform or through a terminal auction. However, any upward adjustment that is made under this paragraph shall not exceed the maximum markup established for sales ex store or ex warehouse, by a grower or country shipper through a commission merchant in less-than-carlots or less-than-trucklots or by a carlot or trucklot receiver.

2. In items 7 and 8 of Column 2 of Table 9 of paragraph (c) of Appendix I the sentence "Lemons packed in standard containers of 1 $\frac{1}{2}$  bushel contents for sale in all wholesale receiving points, except in California and Arizona," is amended to read "Lemons packed in

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

<sup>1</sup> 8 F.R. 16409, 16294, 16519, 16423, 17372;  
<sup>2</sup> 9 F.R. 790, 902, 1581, 2008, 2023.

standard containers of 1½ bushel contents for sale in all wholesale receiving points in California and Arizona."

3. In item 7 of Column 5 of Table 9 of paragraph (c) of Appendix I the figure \$5.80 is amended to read \$5.08.

This amendment shall become effective April 19, 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 14th day of April 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

Approved: April 13, 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-5331; Filed, April 14, 1944; 4:28 p. m.]

No.	Cu	S	Fe	Mg	Mn	Zn	Ni	Cr	Ti	Total others	Each	A.
142	3.5-4.5	0.50	0.50	1.2-1.8	0.1	0.1	1.7-2.3	0.25	0.20	0.15	0.05	Rem.
355	1.0-1.5	4.5-5.5	0.35	0.4-0.6	0.1	0.1	-----	0.25	0.20	0.1	0.05	Rem.
356	0.20	6.50-7.50	0.40	20-.40	0.1	0.1	-----	0.1	0.20	0.1	0.05	Rem.
195	4.0-5.0	1.2	0.65	.08	0.3	0.1	-----	-----	0.20	0.15	0.05	Rem.

This amendment shall become effective April 20, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5352; Filed, April 15, 1944; 12:10 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 224, Amdt. 6]

CEMENT

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.\*

Paragraph (a), § 1346.104, is amended and a new paragraph (d) is added to § 1346.105, all to read as set forth below:

§ 1346.104 *Maximum prices for sales and deliveries of cement by manufacturers*—(a) *Maximum prices for cement sold by a manufacturer and shipped within its normal market area.* The maximum price for American Society for Testing Materials Types 1 and 2 Portland cement sold by a manufacturer and shipped within its normal market area, whether the shipment is made f. o. b. mill or on a delivered price basis, shall be such that the cost to the purchaser at the destination for like quantities and classifications of cement similarly packaged is not in excess of what it was or would have been to such purchaser for a delivery to such purchaser completed between March 1 to 15, 1942. Such price shall be calculated upon the basis of the prices, pricing practices, freight practices, trade discounts, charges (including package charges), allowances, and deposits (other than deposits on cloth bags which may be required in a reasonable amount so long as the refund equals the deposit) most favorable to purchasers in effect, published, listed, or quoted by the seller during the period March 1 to 15, 1942, but upon the basis of the freight rates in effect at the time of any shipment made subsequent to September 23, 1942, except that:

(1) The maximum price determined pursuant to the above pricing method may be increased by a manufacturer by an amount not in excess of \$0.20 per barrel when the following conditions are met:

The sale is made f.o.b. a mill located within the geographical area defined herein; or

The sale is made on a delivered basis and the delivered destination point is within the geographical area defined herein.

The geographical area referred to herein is defined to be the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey; the Counties of Potter, Clinton, Center, Huntington, Franklin, in the State of Pennsylvania and all counties east thereof located in that State; the States of Maryland and Delaware; the Counties of Loudoun, Arlington, Fairfax, Prince William, and Stafford, and the City of Alexandria in the State of Virginia; and the District of Columbia.

(2) The dollars-and-cents differentials from the Price of American Society

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

<sup>1</sup> 7 F.R. 7396, 8650, 8944, 9495; 8 F.R. 8275; 9 F.R. 287, 540.

PART 1302—ALUMINUM

[MPR 2, Amdt. 4]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

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

Maximum Price Regulation No. 2 is amended in the following respect:

1. Section 15 (c) is amended to read as follows:

(c) *Maximum prices for primary grade ingot.*

	Maximum price (Cents per pound)
142	15
355	15
356	15
195	14½

To be sold at this price, these alloys must meet the following specifications:

for Testing Materials Types 1 and 2 Portland cement which prevailed on March 15, 1942, with respect to American Society for Testing Materials Type 3 Portland cement (high early strength cement), white cement, oil-well cements, masonry cement, and other cement, shall be added to or subtracted from, as the case may be, the maximum selling prices established under this paragraph for American Society for Testing Materials Types 1 and 2 Portland cement, to determine the maximum prices for such other cements: *Provided*, That the provisions of paragraph (a) (1) shall not be used to increase the maximum prices of white Portland cement, alumina cement, natural cement, puzzolan (slag-lime) cement, or masonry cement (whether of a Portland cement or Natural cement base).

(3) The maximum prices established under paragraph (a) of this section shall be subject to cash discounts under conditions as favorable as were offered by the seller during the period March 1 to 15, 1942: *Provided*, That during the period of the war emergency a reasonable period of grace sufficient to permit routine handling shall be allowed to every war procurement agency within which to avail itself of the cash discount.

§ 1346.105 *Maximum prices for sales and deliveries of cement by dealers.* The maximum prices for sales and deliveries of cement by dealers shall be prices established in accordance with the provisions of §§ 1499.2 or 1499.3 of the General Maximum Price Regulation, except that:

(d) Any person purchasing cement for resale in the same form may add to a maximum price established on or prior to April 20, 1944, under § 1346.105 an amount not exceeding the dollars-and-cents increase in cost to him resulting from the increase in maximum prices permitted manufacturers of cement under § 1346.104 (a) (1).

This Amendment No. 6 shall become effective April 20, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5353; Filed, April 15, 1944; 12:10 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 276, Amdt. 4]

ASPHALT TILE

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

Maximum Price Regulation No. 276 is amended in the following respects:

1. Paragraph (d) of § 1346.315 is hereby amended to delete from the column

<sup>1</sup> 8 F.R. 8495, 9330, 10899, 16982.

<sup>1</sup> 7 F.R. 10009, 10471; 8 F.R. 12136, 16407.

headed Hood Rubber Company in Table III—Freight Charges—the numeral "(1)" wherever it appears, and to substitute the numeral "(6)" in its place. A footnote "6" is hereby added to Table No. III—Freight Charges—to read as follows:

\* Freight allowance required up to and including 10 percent of the invoice, except that no allowance is required on shipments under 100 pounds.

2. Footnote "5" to Table No. III—Freight Charges—in paragraph (d) of § 1346.315 is amended to remove from it the list of shipping points therein contained and to place such list directly under footnote "6", to read as follows:

Note: The shipping points applicable to the foregoing footnotes are: New York, N. Y., Lincoln, N. J., Manville, N. J., Lancaster, Pa., Chicago, Ill., Waukegan, Ill., Houston, Texas, and Southgate, Calif.

This amendment shall become effective April 20, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5346; Filed, April 15, 1944;  
12:08 p. m.]

**PART 1347—PAPER, PAPER PRODUCTS AND  
RAW MATERIALS FOR PAPER AND PAPER  
PRODUCTS**

[MPR 266<sup>1</sup> incl. Amdts. 1-8]

**CERTAIN TISSUE PAPER PRODUCTS**

Section 1347.503 (d) is added by Amendment No. 8,<sup>2</sup> effective April 20, 1944, so that Maximum Price Regulation No. 266 shall read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for certain tissue paper products by a separate Maximum Price Regulation. The Price Administrator has ascertained and given due consideration to the prices of certain tissue paper products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.<sup>2</sup>

<sup>1</sup> 7 F.R. 9335. <sup>2a</sup> The text which is added by Am. 8 is underscored.

<sup>2</sup> Statements of considerations are also issued simultaneously. Copies may be obtained from the Office of Price Administration.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Above paragraph added by Supplementary Order 64, 8 F.R. 12554, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1,<sup>3</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 266 is hereby issued.

Sec.	
1347.501	Prohibition against dealing in toilet tissue and paper towels at prices above the maximum prices.
1347.502	Adjustable pricing.
1347.503	Export sales.
1347.503a	Application to import transactions.
1347.504	Less than maximum prices.
1347.505	Federal and State taxes.
1347.506	Applicability of the General Maximum Price Regulation.
1347.507	Evasion.
1347.507a	Enforcement.
1347.508	Records and reports.
1347.509	Licensing.
1347.510	[Revoked].
1347.511	Petitions for amendment and applications for adjustment.
1347.512	Definitions.
1347.513	Applicability.
1347.514	Effective date.
1347.515	Appendix A: Maximum prices for toilet tissue 4½" wide.
1347.516	Appendix B: Maximum prices for paper towels.

AUTHORITY: §§ 1347.501 to 1347.516, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681.

§ 1347.501 *Prohibition against dealing in toilet tissue and paper towels at prices above the maximum prices.* On and after November 26, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver any toilet tissue or paper towels, and no person in the course of trade or business shall buy or receive any toilet tissue or paper towels at prices higher than those set forth in Appendices A and B hereof, incorporated herein as § 1347.515 and § 1347.516; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of toilet tissue or paper towels to a purchaser, if, prior to November 26, 1942, such toilet tissue and paper towels have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

The basic pricing provisions of this regulation, for different types of sellers, are as follows:

<sup>3</sup> 7 F.R. 8961; 8 F.R. 8313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

*Toilet paper*

For manufacturers... § 1347.515 (a) and (b).  
For distributors... § 1347.515 (c).  
For retailers... § 1347.515 (d).

*Paper towels*

For manufacturers... § 1347.516 (a) and (b).  
For distributors... § 1347.516 (c).  
For retailers... § 1347.516 (d).

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404, 14073) permits, under special conditions, the addition of extra packing expenses to procurement agencies of the United States.]

§ 1347.502 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.503 *Export sales.* The maximum prices at which a person may export tissue products covered by this Maximum Price Regulation No. 266 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>4</sup> issued by the Office of Price Administration.

§ 1347.503a *Application to Import Transactions.* This regulation applies to transactions in commodities to be imported into the continental United States.

[1347.503a added by Supplementary Order 78, 8 F.R. 14811, effective 11-4-43]

§ 1347.504 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 266 may be charged, demanded, paid or offered.

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

§ 1347.505 *Federal and State taxes.* Any tax upon, or incident to, the sale or delivery of tissue products covered by this Maximum Price Regulation No. 266, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto.

(a) As to a tax in effect prior to October 15, 1941 (1) if the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during October 1-15, 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount

<sup>4</sup> 2d revision: 8 F.R. 4132, 7662, 9998, 15193; 9 F.R. 1036.

in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 266.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately, from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 266.

(b) As to a tax or increase in a tax which becomes effective after October 15, 1941, if the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum prices, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1347.506 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 266 supersede the provisions of the General Maximum Price Regulation in respect to sales and deliveries of tissue products for which maximum prices are established by this Maximum Price Regulation No. 266.

§ 1347.507 *Evasion.* The price limitations established by this Maximum Price Regulation No. 266 shall not, directly or indirectly, be circumvented or evaded by modifying, discontinuing, or altering any customary trade practice of the seller, or by increasing terms for the extension of credit, or by splitting orders, or by deteriorating the quality of any commodity, or by changing the selection or style of processing or the wrapping or packaging of tissue products covered by this Maximum Price Regulation No. 266, or by any other means.

§ 1347.507a *Enforcement.* (a) Persons violating any provision of this Max-

imum Price Regulation No. 266 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 266 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[§ 1347.507a added by Am. 1, 7 F.R. 10714, effective 12-24-42]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1347.508 *Records and reports.* (a) Every person, except retailers, making sales or purchases of toilet tissue and paper towels in the course of trade or business after November 25, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the purchaser or seller, the price received, and the amount of toilet tissue and paper towels in each case bought or sold.

(b) Within twenty-one (21) days after the effective date of this regulation, each manufacturer shall file under oath with the Office of Price Administration, Washington, D. C., the maximum price established by the regulation for each product or grade which he manufactures, setting forth for each such product or grade the manner in which such maximum price has been determined. In the case of a product or grade wherein the manufacturer determines his maximum price under the provisions of § 1347.515 (a) (1) (iii), § 1347.515 (b) (1) (i), § 1347.516 (a) (1) (iii), and/or § 1347.516 (b) (1) (i), establishing the maximum price at 95% of the highest carload price which he charged for such product or grade during the period of October 1 to 15, 1941, he shall state the maximum price charged for such product or grade between October 1 and 15, 1941, indicating the calculation and the resulting maximum price.

In the case of a product or grade wherein the manufacturer determines his maximum price by the formula set forth in § 1347.515 (a) (1) or § 1347.516 (a) (1), he shall state for each such product or grade the furnish, sheet size, sheet count, method of handling freight, and other relevant factors, indicating the calculation and the resulting maximum price.

(c) Where a manufacturer applies under § 1347.515 (b) (3) or § 1347.516 (b) (2) for approval of a price on shipments of other than carload lots to one consignee, he shall define the practice employed, together with a statement of

the date upon which the practice was instituted and the reason therefor; including the costs involved in such practice during the year 1941 and the current year. Such application must be made within 21 days of the effective date of this regulation.

[NOTE: Revised Supplementary Order No. 23 (8 F.R. 6175) provides that no document filed pursuant to any price regulation or procedural regulation issued by the Office of Price Administration before May 17, 1943 need be sworn to or affirmed, except that protests and documents filed in support thereof shall continue to be sworn to or affirmed as provided in Revised Procedural Regulation No. 1.]

(d) Any manufacturer who reduces or has reduced the chemical pulp content or basis weight of a product under the provisions of § 1347.515 (a) (1) (v) or (vi), or § 1347.516 (a) (1) (viii) or (ix) shall file the following data with the Office of Price Administration, Washington, D. C.:

(1) The chemical pulp content and basis weight on November 26, 1942.

(2) All subsequent changes in the chemical pulp content and basis weight, and the dates of these changes.

(3) These data shall be filed within 21 days after April 20, 1944, except that data relating to changes made subsequent to April 20, 1944, shall be filed within 21 days after the date of such change.

[Paragraph (d) added by Am. 8, effective 4-20-44]

§ 1347.509 *Licensing.* The provisions of Licensing Order No. 1,<sup>8</sup> 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.

[§ 1347.509 amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1347.510 [Revoked]

[§ 1347.510 amended by Am. 2, 8 F.R. 531, effective 1-12-43; revoked by Am. 5, 8 F.R. 12468, effective 9-14-43]

§ 1347.511 *Petitions for amendment and applications for adjustment.* (a) 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. 1 issued by the Office of Price Administration.

(b) Under the following conditions a manufacturer of any of the commodities covered by this Maximum Price Regulation No. 266 may apply for adjustment of his maximum prices where the maximum price causes him substantial hardship and where the War Production Board certifies by letter to the Office

<sup>8</sup> 9 F.R. 1385.

<sup>8</sup> 8 F.R. 13240.

of Price Administration that the commodity involved is necessary, in the quantity actually to be supplied by the applicant, to meet a military or essential civilian need. The amount of adjustment which may be granted will be determined by the Office of Price Administration and will in no case exceed an amount deemed reasonably necessary to insure the applicant's production of the commodity in question, in the light of the applicant's costs of production and his over-all financial condition.

(1) *Form of application for adjustment.* Applications for adjustment shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1, with the Office of Price Administration, Code 695, Washington, D. C. In addition the applicant shall set forth the following data:

(i) Statement of the applicant's maximum price, the section of Maximum Price Regulation No. 266 under which such price is determined, the proposed adjusted maximum price, and the complete specifications of the commodity.

(ii) Statement as to the length of time the applicant has been producing the commodity, and the actual production in cases per month for the last six months, preceding the date of filing of the application.

(iii) A record of the applicant's actual costs involved in the manufacture and sale of the commodity is to be given in full detail. These costs are to be given for the total production during each of the last two quarterly accounting periods.

(iv) Statement of the seller's over-all financial condition, including the information required by OPA Form A (Annual Financial Report) for the fiscal year next preceding the filing of the application, and the information required by OPA Form B (Interim Financial Report) for each quarterly period subsequent to the period covered by the A report; *Provided*, That for cause shown this latter requirement may be waived in whole or in part at the discretion of the Administrator.

(v) A complete statement of the reasons why the applicant believes that he will be unable to maintain his production of the commodity at his established maximum price.

[§ 1347.511 amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment

based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1347.512 *Definitions.* (a) When used in this Maximum Price Regulation No. 266, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Manufacturer" means any person who converts tissue for use as toilet tissue or paper towels and includes the agents of such person.

[Subparagraph (2) amended by Am. 5, 8 F.R. 12468, effective 9-14-43]

(3) "Distributor" includes any person, other than a manufacturer or a retailer, the major portion of whose sales are to retailers, industrial and institutional users, or other distributors.

(4) "Wholesale grocer" includes distributors, the major portion of whose sales are to retail grocery stores.

(5) "Retailer" includes all persons, the major portion of whose sales are resale items sold to the ultimate consumer.

(6) "Paper merchant" includes any person other than a retailer, wholesale druggist, or wholesale grocer (as herein defined) who buys any commodity listed in this regulation in any quantity from a manufacturer or other seller and who resells such commodity.

(7) "Wholesale druggist" includes distributors, the major portion of whose sales are to retail drug stores.

(8) "Industrial, institutional and commercial user" includes all users who purchase toilet tissue and paper towels for general use by their employees, inmates, and guests, and do not resell any of these items.

(9) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (2) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (3) dealing in the same type of commodities or services, and (4) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (a) is selling the same or a similar commodity, and (b) is closely competitive in the sale of such commodities, and (c) is located nearest to the seller.

(10) "Similar". One commodity shall be deemed "similar" to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, dif-

ferences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(11) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(12) "Toilet tissue" includes all tissue papers having a basis weight of 8 to 16 pounds, inclusive, (24 x 36—500), a square inch area per sheet of 16 to 41 inches, inclusive, made from either chemical pulp or mechanical pulp or a combination of the two and designed for toilet use.

[Subparagraph (12) amended by Am. 2, 8 F.R. 531, effective 1-12-43]

(13) "Paper towels" includes all absorbent, creped or embossed papers having a basis weight between 22 and 40 pounds (24 x 36—500), a square inch area per sheet of 80 to 220 inches, made from chemical pulp or mechanical pulp or a combination of the two and designed principally for drying purposes.

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

[Subparagraph (14) amended by Am. 4, 7 F.R. 7383, effective 6-7-43]

(15) "Wet-strength paper towel" refers to one that has a wet-tensile strength of at least 1.5 pounds per inch width when tested according to TAPPI Method No. T404 M-41 with the tensile load applied ten seconds after the specimen, clamped in the testing machine, has been streaked transversely along a path at least one-quarter inch wide with an excess of water at room temperature, providing the toweling is capable of becoming at least 80% saturated<sup>1</sup> when submerged 10 seconds in water at room temperature and provided the ratio of the wet-tensile to the dry-tensile strength is at least 20 percent.

(16) "Basis weight" refers to the weight of a 500 sheet ream of paper 24 x 36 inches per sheet.

(17) "Chemical pulp" refers to the chemical fibre content which must be

$$\frac{B-A}{C-A} = 80\% \text{ where A is weight of two single}$$

ply specimens each 5 inches square weighed in air dry condition (45 to 50 percent relative humidity). B is weight after being submerged in distilled water at 70 degrees Fahrenheit for 10 seconds and then drained freely for 10 seconds. C is weight after being submerged in distilled water at 70 degrees Fahrenheit for 24 hours and then drained freely for 10 seconds.

either virgin chemical fibre or 100% chemical fibre wastepaper properly deinked.

(18) "Zone 1" includes Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Rhode Island, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota—East of Grand Forks and Fargo, South Dakota—East of and including Watertown and Sioux Falls, Nebraska—East of and including Grand Island and Kansas—East of and including Topeka.

(19) "Zone 2" includes North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas—except Laredo and El Paso, Kansas—West of Topeka, and Nebraska—West of Grand Island, South Dakota—West of Watertown and Sioux Falls, North Dakota—West of Grand Forks and Fargo.

(20) "Zone 3" includes Arizona, Utah, Nevada—excluding Reno, Idaho—South of Panhandle and East of Boise, Montana, Wyoming, New Mexico, Laredo and El Paso in Texas, Colorado.

(21) "Zone 4" includes Washington, Oregon, California, Reno, Nevada and Idaho (including Boise), except that part of Idaho in Zone 3.

(22) "Case" refers to the shipping container in which toilet tissue or 3750 paper towels are packed.

(23) "Mark-up" refers to that percentage of cost, exclusive of cash discount which is taken to arrive at the selling price.

(24) "Prices charged for deliveries during March, 1942", shall have the same meaning as the phrase "highest price charged during March, 1942" in the General Maximum Price Regulation.

[Subparagraph (24) added by Am. 2, 8 F.R. 531, effective 1-12-43]

(b) 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.

§ 1347.513 *Applicability.* The provisions of this Maximum Price Regulation No. 266 shall be applicable within the continental limits of the United States.

§ 1347.514 *Effective date.* This Maximum Price Regulation No. 266 (§§ 1347.501 to 1347.516, inclusive) shall become effective November 26, 1942. [MPR 266 originally issued November 12, 1942]

[Effective dates of amendments are shown in the notes following the parts affected]

§ 1347.515 *Appendix A: Maximum prices for toilet tissue 4½" wide*—(a)

\*Widths greater than 4½" take a proportionately increased price; widths less than 4½" take a proportionately reduced price, except that in the case of interfolded toilet tissue the maximum price per case for such

*Manufacturers maximum prices for sales on a uniform nationally delivered basis.* Where a manufacturer sells on a uniform nationally delivered basis his maximum prices shall be computed as follows:

(1) *Toilet tissue.*

Basis weight 24 x 36— 500 classes <sup>1</sup>	Chemical pulp content <sup>2</sup>		
	100% bleached price factor X	75%-99% Price factor Y	Less than 75% price factor Z
1. Less than 11.00.....	\$1.09	\$1.05	\$1.00
2. 11.0 to 11.99.....	1.15	1.10	1.05
3. 12.0 to 12.99.....	1.20	1.15	1.10
4. 13.0 and over.....	1.25	1.20	1.15

<sup>1</sup>The classes are established on the weight of a ream of 500 sheets of paper 24" x 36". A manufacturer is permitted a 5% tolerance per case, but in no event can the basis weight vary plus or minus from the stated basis weight by more than 5% on any case.

<sup>2</sup>The groups are established on a basis of chemical pulp content. Products in Group X shall have 100% bleached chemical pulp; products in Group Y shall have 75%-99% chemical pulp; products in Group Z shall have less than 75% chemical pulp.

The maximum basis weight to be used in computing the manufacturer's maximum price shall be either:

(i) The basis weight ascribed by the manufacturer for the same item from January 1, 1942 to the issuance of this regulation, or

(ii) The actual basis weight of the same item from January 1, 1942 to the issuance of this regulation, whichever is lower. In no case shall the price as calculated above exceed the price which was charged for deliveries during March, 1942.

The case price shall be computed by multiplying the applicable price factor (derived from column X, Y or Z) by the number of linear inches of paper in the case divided by 100,000, as illustrated below:

Number of Linear Inches in the Case (Length of Sheet x Sheets per Case)  
100,000

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

tissue 4" wide shall be calculated by deducting from the maximum price established by this regulation for a case of 100,000 sheets 4½" wide that differential customarily employed by the manufacturer during the period October 1-15, 1941, or 35¢ per case of 100,000 sheets, whichever is greater.

[Footnote 8 amended by Am. 5, 8 F.R. 12468, effective 9-14-43]

quired purchasers of the same class to pay during the period of October 1 to 15, 1941.

[Subparagraph (iii) amended by Am. 4, 8 F.R. 7383, effective 6-7-43, and Am. 6, 9 F.R. 1573, effective 2-14-44]

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

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

[Subparagraph (iv) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

(v) The manufacturer may reduce the chemical pulp content by not more than 15% of the chemical pulp content upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

(vi) The manufacturer may reduce the basis weight by not more than 5% of the basis weight upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

[Subparagraphs (v) and (vi) added by Am. 6, 9 F.R. 1573, effective 2-14-44]

(2) *Facial type toilet tissue.* The maximum price for facial type toilet tissue shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that \$0.23 may be added to the price factor in Class 1, Group X. In no event may the price of any facial type toilet tissue exceed the price which was charged by the manufacturer for deliveries during March 1942.

(3) *Special products.* (i) Special small diameter rolls of toilet tissue packaged for use on Pullman cars are excluded from this Maximum Price Regulation No. 266, and are covered by the General Maximum Price Regulation.

(ii) Toilet tissue put up to conform with the new specification for the armed

forces in special waterproof envelopes each containing 100 sheets is excluded from this Maximum Price Regulation No. 266, and is covered by the General Maximum Price Regulation.

(iii) In special cases in which test runs of toilet tissue are made at the request of the War Production Board, such runs to be of limited quantities only, and for a limited period of time, and to be made only to discover improved methods of conserving materials, and for cost-finding purposes, the Administrator may, if he deems such procedure to be in the interest of the successful prosecution of the war, authorize by letter appropriate temporary maximum prices for such test runs of toilet tissue. The temporary maximum price or prices may in no event exceed the maximum price for that product for which the substitution is made. Any manufacturer desiring to obtain such temporary maximum prices for such purposes may request permission by letter, setting forth fully the reasons for such test-run, its duration and scope, the temporary maximum price or prices requested, and any other pertinent information.

[Subparagraph (iii) added by Am. 3, 8 F.R. 4131, effective 4-5-43]

(b) *Manufacturers' maximum prices for sales not on a uniform nationally delivered basis—(1) Zone basis.* Where a manufacturer does not sell on a nationally delivered basis, his maximum prices, which in no event shall exceed the prices charged by the manufacturer for deliveries during March, 1942, shall be computed in accordance with the procedure of paragraph (a) (1) (i) (ii) of this section, with the adjustments as shown in the following table:

Location of manufacturing plant	Point of delivery	Addition to or subtraction from applicable price factor
1. Zone 1.....	Zone 1.....	Deduct..... \$0.03
2. Zone 1.....	Zone 2.....	Add..... \$0.01
3. Zone 1.....	Zone 3.....	Add..... \$0.03
4. Zone 1.....	Zone 4.....	Add..... \$0.03
5. Zone 2.....	Anywhere in continental United States (subject to (3) above)	No addition or deduction.

(i) In the event that the maximum price as calculated in accordance with the provisions of paragraph (b) of this section is less than the highest carload price which was charged by the manufacturer on sales into any particular zone during the period of October 1 to October 15, 1941, the maximum price shall be such October 1 to October 15, 1941, price for sales into the same zone.

[Subparagraph (i) amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

(2) *F. o. b. mill basis.* Where shipments of toilet tissue are made on an f. o. b. mill basis the manufacturer's maximum price, which in no event may exceed the prices charged by the manufacturer during March 1942, shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that \$0.12 must be deducted from the applicable price factor. Freight

charges to the point of delivery may be added to the resulting f. o. b. price: *Provided*, That, except on shipments to the Army, Navy or Lend-Lease Administration, such maximum price (including freight charges) may not exceed the maximum zone price which would apply at the given destination.

[Subparagraph (2) amended by Am. 2, 8 F.R. 531, effective 1-12-43; and Am. 7, 9 F.R. 3079, effective 3-27-44]

(3) *Manufacturers' maximum price for shipments of other than carload lots to one consignee.* (i) On shipments of other than carload lots (excepting less-than-carload shipments) to one consignee, the manufacturer may add to the maximum carload price established by this regulation the established differentials which he had in effect during the period of October 1 to October 15, 1941.

(ii) On shipments of less-than-carload lots, the manufacturer may add to the maximum carload price established by this regulation the lesser of the following:

(a) That differential between his carload and his less-than-carload price which he employed during the period of October 1 to October 15, 1941, or

(b) 5.05%, plus the difference between the carload and the less-than-carload rate of freight.

[Subparagraph (3) amended by Am. 5, 8 F.R. 12468, 12795, effective 9-14-43]

(4) [Revoked]

[Subparagraph (4) revoked by Am. 5, 8 F.R. 12468, effective 9-14-43]

(5) *Manufacturers' maximum prices for sales made directly to industrial, institutional and commercial users, and to purchasers other than distributors.* On sales made directly to industrial, institutional and commercial users, and to purchasers other than distributors, a manufacturer who, during the period of October 1 to October 15, 1941, had an established practice of selling to such purchasers at prices in excess of those established for other classes of purchasers, may compute the maximum price for such sales by multiplying the manufacturers' maximum price, as established by this regulation, by the lesser of the following amounts:

(i) The highest markup which the manufacturer applied to sales of toilet tissue of a given grade to a purchaser of the same class during the period of October 1 to October 15, 1941 or

(ii) The markups permitted paper merchants in § 1347.515 (c) (2).

In no event may the resulting maximum price exceed the highest price charged for such sales made during March 1942.

[Subparagraphs (4) and (5) added by Am. 2, 8 F.R. 531, 2431, effective 1-12-43]

(c) *Distributors' maximum prices.* The distributor's maximum price, which may, in no event, exceed the highest price charged for deliveries during March 1942 or, if no sales were made, the highest offering price during March 1942, is to be computed by multiplying the manufacturer's maximum price by the lesser of the following amounts:

(1) The highest mark-up\* which the distributor applied to sales of toilet tissue of a given grade to a purchaser of the same class during March, 1942, or

(2) On sales by

	Paper merchants	Wholesale druggists	Wholesale grocers
	Percent	Percent	Percent
1. 1 to less than 3 cases.	145	120½	117½
2. 3 to less than 10 cases.	127½	120½	117½
3. 10 to less than 25 cases.....	125	120½	117½
4. 25 to less than 100 cases.....	122½	120½	117½
5. 100 to less than C/L.....	117½	120½	117½
6. Carload.....	105	120½	117½

[Paragraph (c) and subparagraphs (1) and (2) amended by Am. 5, 8 F.R. 12468; effective 9-14-43]

(i) Where a distributor purchases toilet tissue from a manufacturer whose petition under § 1347.510 has not been denied by the Office of Price Administration, such distributor, upon receipt of the notice provided for in such section, need not be restricted by his own March 1942 price for sales to such toilet tissue, except that the resulting maximum price shall not be in excess of the March 1942 price charged for deliveries of the same or similar commodity by his most closely competitive seller of the same class.

(ii) In the event that the mark-up as determined under paragraph (c) (2) above, (mark-up table), is less than 85% of the mark-up set forth in paragraph (c) (1) above, (March 1942 mark-up), the maximum price shall be computed by multiplying the manufacturer's maximum price by 85% of such mark-up set forth in paragraph (c) (1) above.

[Subparagraphs (i) and (ii) added by Am. 2, 8 F.R. 531, effective 1-12-43, subparagraph (ii) amended by Am. 5, 8 F.R. 12468, effective 9-14-43]

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

[Subparagraph (iii) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

(3) Paper merchants, wholesale druggists, and wholesale grocers who purchase toilet tissue from other merchants or distributors may not charge a price in excess of the maximum price which would be applicable if the purchase had been made directly at the manufacturer's ceiling price computed in accordance with paragraphs (a), (b) and (c) of this

\* See definition of mark-up, § 1347.512 (a) (23).

section: *Provided*, That on less-than-case sales by recognized service distributors, a mark-up may be charged not in excess of 165%, and that on less-than-case sales by wholesale druggists and grocers, the mark-up may exceed the mark-ups specified in paragraphs (c) (1) and (c) (2) of this section by an amount not in excess of the differential between one case and less-than-case lots which was charged on deliveries made during March 1942.

(4) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a merchant or distributor where local delivery by the merchant or distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate. Such expense shall be separately noted in the invoice or other evidence of sale.

(5) Where a merchant or distributor supplies cabinets or other fixtures for the dispensing of toilet tissue in connection with the sale of such product, he may make a charge for the sale of such cabinet or fixture at a price not exceeding 150 percent mark-up of the cost to him of such cabinet or fixture. Such charge shall be set forth in the invoice or other evidence of sale, and may be amortized over a definite period of time.

[Last sentence added by Am. 2, 8 F.R. 531, effective 1-12-43]

(6) On sales of less-than-carload lots to points outside his recognized free delivery zones or areas, the merchant or distributor may add to his maximum price the lesser of the following differentials:

(i) The amount which he charged on such sales made during the period of October 1 to October 15, 1941, or, if he made no such sale, the amount which he would have charged on such sales to purchasers of the same class; or

(ii) The actual freight.

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

[Subparagraph (7) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

(d) *Retailer's maximum prices.* The retailer's maximum price for toilet tissue which may in no event exceed the ceiling price in effect on November 30, 1943, as established under this regulation, is to be calculated as follows (for unit and multiple sales separately):

[Paragraph (d) amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

(1) *The maximum price rule.* The retailer shall first find his "net cost" of

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the brand he is pricing. He must then multiply that "net cost" by his "March 1942 percentage mark-up." The meanings of "net cost" and "March 1942 percentage mark-up" are explained in (2) and (3) which follow.

(2) *The meaning of "net cost."* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the brand delivered at his customary receiving point, less all discounts and all allowances allowed him, except the discount for prompt payment. "Net cost" should be based on the first sale of such brand of toilet tissue delivered to the retailer in which there has been inserted a copy of this paragraph (d). "Net cost" refers to a customary quantity from a customary supplier and by the customary mode of transportation.

[Subparagraph (2) amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

(3) *The meaning of "March 1942 percentage mark-up."* The percentage which the retailer shall use as his "March 1942 percentage mark-up" depends upon whether or not in March, 1942 he sold such brand of toilet tissue:

(i) If the retailer did sell such brand of toilet tissue in March 1942, he shall:

(a) Take the highest price at which he made sales of such toilet tissue during March 1942, and,

(b) Divide this price by his "net cost" of such brand which appeared on his last invoice in March 1942.

The resulting figure is the retailer's "March 1942 percentage mark-up." This is the figure by which the retailer should multiply his new cost to arrive at his ceiling price.

(ii) If the retailer did not sell such brand of toilet tissue during March 1942, he shall use his "March 1942 percentage mark-up," calculated as in (d) (3) above, on the largest volume brand of toilet tissue which he sold during March 1942.

(4) *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale under this regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction one-half cent or more, it should be increased to the nearest higher cent. Calculations shall be made separately for multiple sales and for unit sales of such products.

(5) *Examples:* A retailer purchases from his supplier a case of X brand of toilet tissue at a net cost of \$4.87 in December 1942. His last March 1942 purchase of X brand was made at a net cost of \$5.00 per case. His highest March 1942 price was 7 cents per roll. He shall find his ceiling price for X brand toilet tissue as follows:

1. (i) He shall divide 7 cents (his highest March 1942 retail price) by 5 cents (his last net cost in March 1942).

1.40
5/7.00
5
20
20

The resulting figure of 1.40 is his "March 1942, percentage mark-up."

(ii) He multiplies \$4.87 (his net cost) by 1.40 (his "March, 1942 percentage mark-up").

\$4.87
1.4
1948
487
\$6.818

(iii) \$6.818 per case of 100 rolls or 7 cents per roll is the retailer's ceiling price.

2. A retailer purchases from his supplier a case of Y Brand of toilet tissue at a net cost of \$4.60 in December 1942. Assume the "March 1942 percentage mark-up" on Y brand of toilet tissue was 1.32. The calculations are as follows:

\$4.60
1.32
920
1380
460
\$6.0720

The retailer's ceiling price is \$6.07 per case of 100 rolls or 6 cents per roll.

[Example 2 amended by Am. 2, 8 F.R. 531, effective 1-12-43]

3. Assume the retailer's March 1942 selling price was 3 for 19 cents, the new cost is \$4.77, and his last March 1942 invoice was \$5.00. His "March 1942 percentage mark-up" is calculated as follows:

1.266
5/6.330
5
13
10
33
30
30
30

The resulting figure of 1.266 is his "March 1942 percentage mark-up" over net cost. His ceiling price is determined as follows:

Multiply \$4.87 (his net cost) by 1.266 (his "March 1942 percentage mark-up"). The retailer's ceiling price is 3 for 18 cents or \$6.04 per case of 100 rolls.

[NOTE: Supplementary Order No. 13 (7 F.R. 6523) provides that retail sellers of commodities or services, who own more than one establishment and who have maintained a fixed practice of selling commodities or services at retail at uniform or at substantially uniform prices, may apply for authorization to determine and use uniform maximum prices.]

[NOTE: Supplementary Order No. 29 (7 F.R. 9816) lists certain services customarily offered by retailers which may be curtailed or eliminated without a compensating reduction in ceiling prices.]

(e) *Marking of products and notices.*

(1) [Revoked]

[Subparagraph (1) amended by Am. 4, 8 F.R. 7383, effective 6-7-43; revoked by Am. 6, 9 F.R. 1573, effective 2-14-44]

(2) The manufacturer shall insert a copy of paragraph (d) of this section in each case of resale toilet tissue shipped before January 31, 1943, except that no such notice need be inserted in cases already prepared for shipment on the effective date of this regulation. The manufacturer shall also attach to all billings on sales made to distributors be-

fore January 31, 1943, paragraph (c) of this section.

On both these notifications, the manufacturers shall add the following statement: "Cessation of this notification will not constitute revocation thereof."

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

[Paragraph (f) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

§ 1347.516 *Appendix B: Maximum prices for paper towels*—(a) *Manufacturers' maximum prices for sales on a uniform nationally delivered basis.* Where a manufacturer sells on a uniform nationally delivered basis, his maximum prices shall be as follows:

TOWELS DISPENSED IN SINGLE THICKNESS

(1) Towel area for interfolded towels (sq. in.)	Less than 25# (V)	Basic weight classes <sup>1</sup> 24" x 36"—500			
		25#-27.9# (W)	28#-33.9# (X)	34#-37.9# (Y)	38# and over (Z)
1. 85 to 108.9.....	\$1.65	\$1.85	\$2.20	\$2.40	\$2.50
2. 109 to 119.9.....	1.80	2.00	2.30	2.55	2.65
3. 120 to 134.9.....	1.95	2.15	2.45	2.70	2.80
4. 135 to 147.9.....	2.05	2.25	2.55	2.80	2.90
5. 148 and over.....	2.15	2.35	2.65	2.90	3.00
6. Household Roll <sup>2</sup> .....	2.60	2.90	3.30	3.50	3.65

TOWELS DISPENSED IN DOUBLE THICKNESS

7. 70 to 84.9.....	\$2.60	\$2.80	\$3.25	\$3.45	\$3.55
8. 85 to 99.9.....	2.80	3.00	3.45	3.70	3.80
9. 100 to 109.9.....	3.00	3.20	3.65	3.95	4.10
10. 110 and over.....	3.20	3.45	3.90	4.20	4.35

<sup>1</sup> The classes are established on basis weights of 24 x 36—500. A manufacturer is permitted a 5% tolerance per case, but in no event may the basis weight vary plus or minus from the stated basis weight by more than 5% of any case.

<sup>2</sup> The maximum prices for household rolls are for cases of 7,500 towels, 7½" x 11". Where the case count or sheet size varies, a directly proportionate adjustment in price shall be made.

These maximum prices are for cases of towels made from furnish containing less than 65% chemical pulp.<sup>30</sup> Where the chemical pulp content is between 65% and 90%, 4% may be added to the case price; where the chemical pulp content is over 90%, 8% may be added to the case price.

The maximum basis weight to be used in computing the manufacturer's maximum price shall be either:

(i) The basis weight ascribed by the manufacturer for the same item from January 1, 1942 to the issuance of this regulation, or

(ii) The actual basis weight of the same item from January 1, 1942 to the issuance of this regulation, whichever is lower. In no case shall the price as calculated above exceed the price which was charged for deliveries during March, 1942.

<sup>30</sup> The groups are defined as follows:  
N—Less than 65% chemical pulp.  
O—65% to 90% chemical pulp.  
P—Over 90% chemical pulp.

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

[Subparagraph (iii) amended by Am. 4, 8 F.R. 7383, effective 6-7-43; and Am. 6, 9 F.R. 1573, effective 2-14-44]

(iv) Where towels are made from 100% chemical pulp, and where the following minimum strength and absorbency tests are met, the maximum price, calculated in accordance with the provisions of paragraphs (a) and (b) of this section, may be exceeded by not more than 65¢ per case.

Delivery from dispenser	Basis weight	Strength <sup>1</sup>	Absorbency <sup>2</sup>
Single.....	Under 32#.....	20#	200 seconds.
Single.....	32#—37#.....	25#	175 seconds.
Single.....	38# and over.....	30#	125 seconds.
Double.....	Under 32#.....	40#	20 seconds.
Double.....	32#—37#.....	50#	15 seconds.
Double.....	38# and over.....	60#	19 seconds.

<sup>1</sup> Pounds per square inch, as measured by the Mullen test.

<sup>2</sup> Seconds required for the absorption of one-half cubic centimeter of water placed on the top of the sheet, according to Bureau of Standards test U-U-T-591.

Manufacturer's maximum prices for wet-strength paper towels shall not exceed those in the (X) basis weight class, the group to be determined by the sheet size.

(v) Continuous roll towels take a proportionate price on an area basis, to household roll towels, except that continuous unsheeted roll towels for use in special controlled-delivery dispensers and containing special cores or ends of metal, wood or both may take a differential of 20¢ a case in excess of the maximum price established by this regulation.

[Subparagraph (v) amended by Am. 5, 8 F.R. 12468, effective 9-14-43]

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

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

maximum price for such product shall submit to the Office of Price Administration, Washington, D. C., the physical specifications of the product for which a maximum price is desired, the name and physical specifications of the most nearly comparable product for which a maximum price is established by this regulation, the amount of the adjustment desired because of such difference in specifications, and the maximum price requested for the product.

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

[Subparagraphs (vi) and (vii) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

(viii) The manufacturer may reduce the chemical pulp content by not more than 15% of the chemical pulp content upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

[Subparagraph (viii) added by Am. 6, 9 F.R. 1573, effective 2-14-44]

(ix) The manufacturer may reduce the basis weight by not more than 10% of the basis weight upon which the present maximum price for his product established by this regulation is based, without revising such maximum price.

[Subparagraph (ix) added by Am. 6, 9 F.R. 1573, effective 2-14-44]

(2) *Special products.* (i) Paper towels sold through coin-operated vending machines are excluded from this Maximum Price Regulation No. 266, and are covered by the General Maximum Price Regulation.

[Subparagraph (2) added by Am. 2, 8 F.R. 531, effective 1-12-43]

(ii) In special cases in which test runs of paper towels are made at the request of the War Production Board, such runs to be of limited quantities only, and for a limited period of time, and to be made only to discover improved methods of conserving materials, and for cost-finding purposes, the Administrator may, if he deems such procedure to be in the interest of the successful prosecution of the war, authorize by letter appropriate temporary maximum prices for such test runs of paper towels. The temporary maximum price or prices may in no event exceed the maximum price for that product for which the substitution is made. Any manufacturer desiring to obtain such temporary maximum prices for such purposes may request permission by letter, setting forth fully the reasons for such test-run, its duration and scope, the temporary maximum price or prices requested, and any other pertinent information.

[Subparagraph (ii) added by Am. 3, 8 F.R. 4131, effective 4-5-43]

(b) *Manufacturers' maximum prices for sales not on a uniform nationally delivered basis.* (1) Where a manufacturer does not sell on a nationally delivered basis, his maximum prices, which in no event may exceed the prices charged for deliveries made during March 1942,

shall be computed in accordance with the procedure of paragraph (a) (1) (i) (ii) of this section, with the adjustments as shown in the following table:

Location of manufacturing plant	Point of delivery	Addition to or subtraction from applicable case price
1. Zone 1.....	Zone 1.....	Deduct..... \$0.10
2. Zone 1.....	Zone 2.....	Add..... \$0.05
3. Zone 1.....	Zone 3.....	Add..... \$0.20
4. Zone 1.....	Zone 4.....	Add..... \$0.20
5. Zone 2.....	Anywhere in continental United States (subject to (3) above).	No addition or deduction.

(i) In the event that the maximum price as calculated in accordance with the provisions of paragraph (b) of this section is less than the highest carload price which was charged by the manufacturer on sales into any particular zone during the period of October 1 to October 15, 1941, the maximum price shall be such October 1 to October 15, 1941, price for sales into the same zone.

[Subparagraph (i) amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

(2) *Manufacturers' maximum prices for shipments of other than carload lots to one consignee.* (i) On shipments of other than carload lots (excepting less-than-carload shipments) to one consignee, the manufacturer may add to the maximum carload price established by this regulation the established differentials which he had in effect during the period October 1 to October 15, 1941.

(ii) On shipments of less-than-carload lots, the manufacturer may add to the maximum carload price established by this regulation the lesser of the following:

(a) That differential between his carload and the less-than-carload price which he employed during the period of October 1, to October 15, 1941, or freight.

(b) 5.05% plus the difference between the carload and the less-than-carload rate of freight.

[Subparagraph (2) amended by Am. 5, 8 F.R. 12468, 13117, effective 9-14-43]

(3) *F. o. b. mill basis.* Where shipments of paper towels are made on an f. o. b. mill basis the manufacturers' maximum price, which in no event may exceed the prices charged by the manufacturer for deliveries during March 1942, shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that \$0.70 per cwt. shall be deducted from the price. Freight charges to the point of delivery may be added to the resulting f. o. b. mill price: *Provided*, That in no event shall such maximum price, including freight charges, exceed the maximum zone price which would apply at the given destination.

(4) *Maximum prices for sales to industrial, institutional and commercial users and to purchasers other than distributors.* On sales made directly to industrial, institutional and commercial users or to purchasers other than distributors a manufacturer who, during

the period of October 1 to October 15, 1941, had an established practice of selling to such purchasers at prices in excess of those established for other classes of purchasers, may compute the maximum price for such sales by multiplying the manufacturer's maximum price as established by this regulation by the lesser of the following amounts:

(i) The highest mark-up which the manufacturer applied to sales of paper towels of a given grade to a purchaser of the same class during the period of October 1 to October 15, 1941; or

(ii) The mark-ups permitted paper merchants in § 1347.516 (c) (2).

In no event may the resulting maximum price exceed the highest price charged for such sales made during March, 1942.

[Subparagraph (3) and (4) added by Am. 2, 8 F.R. 531, effective 1-12-43]

(c) *Distributors' maximum prices.* The distributors' maximum price, which may, in no event, exceed the highest price charged for deliveries during March 1942 or, if no sales were made, the highest offering price during March 1942, is to be computed by multiplying the manufacturer's maximum price by the lesser of the following amounts:

(1) The highest mark-up which the distributor applied to sales of paper towels of a given grade to a purchaser of the same class during March 1942, or

(2) On sales by

	Paper merchants	Wholesale druggists	Wholesale grocers
	Percent	Percent	Percent
1. 2 cases or less.....	155	120½	117½
2. 3 to less than 6 cases.....	140	120½	117½
3. 6 to less than 25 cases.....	127½	120½	117½
4. 25 to less than 200 cases.....	122½	120½	117½
5. 200 cases to less than C/L.....	117½	120½	117½
6. Carload.....	105	120½	117½

[Paragraph (c) and subparagraphs (1) and (2) amended by Am. 5, 8 F.R. 12468, effective 9-14-43]

(i) Where a distributor purchases paper towels from a manufacturer whose petition under § 1347.510 has not been denied by the Office of Price Administration, such distributor, upon receipt of the notice provided for in such section, need not be restricted by his own March 1942 price for sales of such paper towels, except that the resulting maximum price shall not be in excess of the March 1942 price charged for deliveries of the same or similar commodity by his most closely competitive seller of the same class.

(ii) In the event that the mark-up as determined under paragraph (c) (2) above (mark-up table), is less than 85% of the mark-up set forth in paragraph (c) (1) above (March 1942 mark-up), the maximum price shall be computed by multiplying the manufacturer's maximum price by 85% of such mark-up set forth in paragraph (c) (1) above.

[Subparagraphs (i) and (ii) added by Am. 2, 8 F.R. 531, effective 1-12-43. Subparagraph (ii) amended by Am. 5, 8 F.R. 12468, effective 9-14-43]

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

[Subparagraph (iii) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

(3) Paper merchants, wholesale druggists, and wholesale grocers who purchase paper towels from other merchants or distributors may not charge a price in excess of the maximum price which would be applicable if the purchase were made directly from the manufacturer, computed in accordance with paragraphs (a), (b), and (c) of this section: *Provided*, That on less-than-case sales by wholesale druggists and grocers, the mark-up may exceed the mark-ups specified in paragraphs (c) (1) and (c) (2) of this section by an amount not in excess of the differential between one case and less-than-case lots which was charged on deliveries made during March 1942.

(4) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a merchant or distributor where local delivery by the merchant or distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate. Such expense shall be separately noted in the invoice or other evidence of sale.

(5) Where a merchant or distributor supplies cabinets or other fixtures for the dispensing of paper towels in connection with the sale of such products, he may make a charge for the sale of such cabinet or fixture at a price not exceeding 150 per cent mark-up of the cost to him of such cabinet or fixture. Such charge shall be set forth in the invoice or other evidence of sale, and may be amortized over a definite period of time.

[Subparagraph (5) amended by Am. 2, 8 F.R. 531, effective 1-12-43]

(6) On sales of less than carload lots to points outside his recognized free delivery zones or areas, the merchant or distributor may add to his maximum price the lesser of the following differentials:

(i) The amount which he charged during the period of October 1 to October 15, 1941, or if he made no such sale, the amount which he would have charged on such sales to purchasers of the same class; or

(ii) The actual freight.

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

[Subparagraph (7) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

(d) *Retailer's maximum prices.* The retailer's maximum price for paper towels, which may in no event exceed the ceiling price in effect on November 30, 1943, as established under this regulation, is to be calculated as follows (for unit and multiple sales separately):

[Paragraph (d) amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

(1) *The maximum price rule.* The retailer shall first find his "net cost" of the brand he is pricing. He must then multiply that "net cost" by his "March 1942 percentage mark-up." The meanings of "net cost" and "March 1942 percentage mark-up" are explained in (2) and (3) which follow.

(2) *The meaning of "net cost."* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the brand delivered at his customary receiving point, less all discounts and all allowances allowed him, except the discount for prompt payment. "Net cost" should be based on the first sale of such brand of paper towels delivered to the retailer in which there has been inserted a copy of this paragraph (d). "Net cost" refers to a customary quantity from a customary supplier and by the customary mode of transportation.

[Subparagraph (2) amended by Am. 6, 9 F.R. 1573, effective 2-14-44]

(3) *The meaning of "March 1942 percentage mark-up."* The percentage which the retailer shall use as his "March 1942 percentage mark-up" depends upon whether or not in March 1942 he sold such brand of household roll towels:

(i) If the retailer did sell such brand of household roll towels in March 1942, he shall:

(a) Take the highest price at which he made sales of such household roll towels during March 1942, and,

(b) Divide this price by his "net cost" of such brand which appeared on his last invoice in March 1942.

The resulting figure is the retailer's "March 1942 percentage mark-up." This is the figure by which the retailer should multiply his new cost to arrive at his ceiling price.

(ii) If the retailer did not sell such brand of household roll towels during March 1942, he shall use his "March 1942 percentage mark-up" calculated as in (d) (3) above, on the largest volume brand of household roll towels which he sold during March 1942.

(4) *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale under this regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction one-half cent or more, it should be increased to the nearest higher cent. Calculations shall be made separately for multiple sales and for unit sales of such products.

(5) *Example:* A retailer purchases from his supplier a case of X brand of household roll towels at a net cost of \$3.90 in December 1942. His last March 1942 purchase of X brand was made at a net cost of \$4.20 per case. His highest March 1942 price was 10 cents per roll. He shall find his ceiling price for X brand of household roll towels as follows:

(i) He shall divide 10 cents (his highest March 1942 retail price) by 8.4 cents per roll (his last net cost in March, 1942).

	1.1905
8.4/10.000	
84	
160	
84	
760	
756	
400	
420	
—	

The resulting figure of 1.19 is his "March 1942 percentage mark-up."

(ii) He multiplies 7.8 cents (his net cost per roll) by 1.19 (his "March 1942 percentage mark-up")

\$1.19
.078
952
833
\$.09282 *

(iii) His ceiling price is \$.09282 or 9 cents per roll.

(e) *Marking of products and notices.*  
(1) [Revoked.]

[Subparagraph (1) revoked by Am. 6, 9 F.R. 1573, effective 2-14-44]

(2) The manufacturer shall insert a copy of paragraph (d) of this section in each case of resale paper towels shipped before January 31, 1943, except no such notice need be inserted in cases already prepared for shipment. The manufacturer shall also attach to all billings on sales made to distributors before January 31, 1943, paragraph (c) of this section.

On both these notifications, the manufacturers shall add the following statement: "Cessation of this notification will not constitute revocation thereof."

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

[Paragraph (f) added by Am. 4, 8 F.R. 7383, effective 6-7-43]

NOTE: All 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.

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5854; Filed, April 15, 1944; 12:10 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[RMFR 444; Correction]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; AND COTTONSEED HULLS AND HULL BRAN

Section 13 (a) is corrected to read as follows:

(a) The basic maximum price, f. o. b. the port of entry, for the sale (within the 48 states and the District of Columbia of the United States) of any imported cottonseed oil meal, cake, sized cake or pellets or cottonseed hulls shall be the maximum price for a sale by a processor of a like quantity and quality of the domestic product, f. o. b. production plant located nearest the port of entry: *Provided, That:*

(1) If the port of entry is located in Oregon or Washington said maximum price for such sale thereof shall be the maximum price for a sale by a processor of a like quantity and quality of the domestic product f. o. b. production plant at San Francisco, California; or

(2) If the port of entry is not located in a state specifically named in section 4 (a) hereof or in Oregon or Washington said basic maximum price for such sales thereof shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product f. o. b. production plant at Memphis, Tennessee.

This correction shall become effective April 22, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5347; Filed, April 15, 1944; 12:08 p. m.]

PART 1362—CERAMICS PRODUCTS  
[MPR 416; Amdt. 4]

BASIC REFRACTORY 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.\*

Section 6.6 is amended to read as set forth below:

SEC. 6.6 *Maximum prices for magnesite hearth ramming mix.* The maximum prices for shipments of magnesite

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

<sup>1</sup> 9 F.R. 203, 1121.

<sup>2</sup> 8 F.R. 8940, 13391, 16780, 16984.

hearth ramming mix per net ton in sacks shall be:

Brand	Producers	Price per net ton
H-W Magnamix	Harbison-Walker Refractories Co.	\$54.00
Magnehearth	General Refractories Co.	54.00
Ramix	Basic Refractories, Inc.	56.00
Basimix	Do.	66.50
Basiplast	Do.	66.50

<sup>1</sup> Packed in 100 lb. bags. Applicable only to sales by Basic Refractories, Incorporated, to its dealers and distributors.

The maximum prices set forth above for Ramix, Basimix, and Basiplast produced by Basic Refractories, Inc., shall be f. o. b. Narlo, Ohio. The maximum prices for H-W Magnamix, produced by Harbison-Walker Refractories Company, and Magnehearth, produced by General Refractories Company, shall be f. o. b. Chester, Pennsylvania, and Baltimore, Maryland, respectively, with freight equalized from either Chester or Baltimore, whichever has the lowest transportation charge to the point of destination.

This Amendment No. 4 shall become effective April 20, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5351; Filed, April 15, 1944; 12:09 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 148, Amdt. 17]

DRESSED HOGS AND WHOLESALE PORK CUTS

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.\*

Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. Section 1364.32 (b) (7) is amended by deleting therefrom the words "and Capicolli butts" appearing therein.

2. Sections 1364.32 (c) (39) and 1364.32 (c) (40) are redesignated §§ 1364.32 (c) (38) and 1364.32 (c) (39) respectively.

3. Section 1364.32 (c) (40) is added to read as follows:

(40) "Cappicola butt": a pork product made from whole cured boneless shoulder butts, cellar trimmed, spiced and stuffed in natural casings; (i) which has been heated for sufficient time to assume the characteristics of a cooked product; (ii) which is ready to serve without further heating; (iii) and which has a finished weight not in excess of 85 percent of the green weight of the

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

<sup>1</sup> 9 F. R. 1996, 3083.

boneless butts used and the moisture content of which does not exceed 3.2 times the weight of the protein minus the weight of the sodium chloride as chemically tested.

4. Schedule I (d) of § 1364.35 is amended by deleting Item 7 therefrom.

5. Item 18 of Schedule I (f) of § 1364.35 is added to read as follows:

Item	Fresh or frozen	Cured		Smoked
		Not packed in tierces	Packed in tierces	
18. Cappicola butts	*	43.00	*	*

This amendment shall become effective April 15, 1944, except that § 1364.32 (b) (7) and Schedule I (d) of § 1364.35 shall become effective April 22, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5363; Filed, April 15, 1944; 12:05 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11, Amdt. 2]

FUEL OIL

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

Section 1394.5347 (a) is amended by deleting the phrase "to residential premises" in the first sentence of the paragraph.

This amendment shall become effective on April 15, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supp. Dir. 1-0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5364; Filed, April 15, 1944; 12:05 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 129]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and

<sup>1</sup> 9 F.R. 2357, 3353.

<sup>2</sup> 8 F.R. 13128, 18394, 18980, 14399, 14523, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16796, 16855, 17326; 9 F.R. 104, 106, 220, 403, 677, 695, 849.

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

Ration Order 16 is amended in the following respects:

1. Section 2.7 (a) is amended by substituting for the word "eggs" in the first sentence the words "such other products as the Washington Office may designate".

2. Section 2.7 (b) (1) is amended by inserting the words "and the current occupation of each of them" after the words "covered by the application".

3. Section 2.7 (b) (2) and (3) are amended by substituting for the word "eggs" therein the words "such other products as the Washington Office may designate".

4. Section 2.7 (b) (7) is amended to read as follows:

(7) The amounts of fresh fish and poultry, fresh milk, and such other products as the Washington Office may designate which will be available to them during this period;

5. The third sentence of section 2.7 (d) is amended by substituting for the word "eggs" the words "such other products as the Washington Office may designate"; and by inserting before the period at the end of the sentence the words "and to the applicant's occupation".

This amendment shall become effective April 20, 1944.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5365; Filed, April 15, 1944; 12:07 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3, Amdt. 10]

SUGAR

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

Revised Ration Order 3 is amended in the following respect:

Section 1407.76 is added to read as follows:

§ 1407.76 Consumers who must have more sugar for their subsistence may apply for evidences. (a) Consumers (including those who eat in Group I institutional user establishments, as defined

<sup>1</sup> 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579.

in General Ration Order 5) may apply for ration evidences to obtain sugar (in addition to that which they can get with their stamps) if (1) they can obtain additional points under section 2.7 of Ration Order 16 because of the isolated nature of the place where they live or the conditions of their work; (2) they work in industries or occupations designated by the "Washington Office" of the Office of Price Administration pursuant to section 31.1 of General Ration Order 5; and (3) they do not eat at a Group IV institutional user establishment.

(b) Any consumer eligible to get evidences under paragraph (a), may apply to his Board, in person or by mail, on OPA Form R-315. One application may be made covering more than one consumer, but the name of each shall be listed on the application. (If the consumer applies for points under section 2.7 of Ration Order 16, he shall make application under this section at the same time.) The application must state:

(1) Where each consumer included in the application will live and work during the period covered by the application;

(2) The current occupation of each consumer included in the application;

(3) How many pounds of sugar he will need; and

(4) For how long a period.

The applicant must also submit with his application the War Ration Book currently used to acquire foods covered by Ration Order 16, of each person for whom application is made.

(c) All Regional Offices are authorized to rule on applications under this section, and to authorize Boards or District Offices, to rule on them. A Board or District Office may rule on such an application only if the Regional Office for the area where it is located has given it such authority. If the Board has not been given such authority, it shall forward the application with its recommendation to the District Office. If the District Office has been given such authority, it shall indicate what action is to be taken, and return the file to the Board. If the District Office has not been given such authority, it shall forward the file to the Regional Office. The Regional Office shall then indicate what action is to be taken, and return the file to the Board. All certificates to be issued under this section shall be issued by Boards.

(d) The Regional Office, or Board or District Office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the amount of sugar that it finds should be allowed. No Board or District or Regional Office shall issue or authorize the issuance of a certificate unless it finds that the applicants meet the test set out in paragraph (a), and then only under the conditions and in the amounts authorized by instructions issued by the "Washington Office".

(e) Any Board which issues evidences under this section shall enter a notation

on the front cover of the book submitted with the application showing:

- (1) Its address;
- (2) The date it issued evidences under this section;
- (3) The amount of sugar authorized to be delivered by such evidences; and
- (4) The period for which the supplemental ration was given.

This amendment shall become effective April 20, 1944.

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

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005; Food Dir. 8, 8 F.R. 7093)

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5366; Filed, April 15, 1944;  
12:08 p. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [MPR 201, Amdt. 9]

##### RECORDS AND REPORTS IN VIRGIN ISLANDS

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 201 is amended in the following respects:

1. Section 1418.106 (a) is amended to read as follows:

§ 1418.106 *Records and reports*—(a) *Records to be kept.* (1) Every person making sales at wholesale of the commodities subject to this Maximum Price Regulation 201 shall, on and after September 1, 1942, or if a commodity becomes subject to this regulation after September 1, 1942, then, on and after thirty days following the date it so becomes subject, keep for inspection by the Office of Price Administration, so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, complete and accurate records of each purchase and each sale made by such person, showing the date thereof, the name and address of the buyer and seller, the direct cost thereof, the price paid or received, the mark-up charged by the seller, and the quantity purchased or sold.

(2) Every person making sales at retail of the commodities subject to this Maximum Price Regulation 201 shall, on and after September 1, 1942, or if a commodity becomes subject to this regulation after September 1, 1942, then, on and after thirty days following the date it so becomes subject, keep for inspection by the Office of Price Administration, so long as the Emergency Price Con-

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

7 F.R. 6269, 6744, 9996, 8947, 10231, 10790; 8 F.R. 1860, 10984; 9 F.R. 2176, 2747.

trol Act of 1942, as amended, shall be in effect, complete and accurate records of the mark-up charged by the seller, each purchase made by the seller, the date thereof, the name and address of the person selling to the seller, the direct cost thereof, the price paid, and the quantity purchased by the seller.

2. Paragraph (c) (3) of § 1418.106 is amended to read as follows:

(3) Supplementary statements shall be filed by the seller within three days after offering any such commodity for sale whenever his price is lower or higher than the price previously submitted under paragraph (c) (1) (ii) of this § 1418.106.

3. Paragraph (c) (5) of § 1418.106 is amended to read as follows:

(5) The statements required under this § 1418.106 shall be kept up to date by the seller from time to time by including therein all unreported commodities newly received. Supplementary statements shall be filed as to all such newly received commodities within three days after offering such commodities for sale. Such statements shall contain the information set forth in paragraph (c) (1) of this § 1418.106.

This amendment shall become effective April 20, 1944.

NOTE: The reporting and record-keeping provisions 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5367; Filed, April 15, 1944;  
12 m.]

#### PART 1499—COMMODITIES AND SERVICES [Rev. SR 14 to GMPR, Amdt. 116]

##### TRANSPORTATION SERVICES

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.\*

Revised Supplementary Services Regulation 14 is amended in the following respects:

The following paragraph is added as a new paragraph (d) to section 7.3 and as a new paragraph (f) to section 7.11.

The types of carriers described in paragraph (a) of this section are not precluded from the alternative of seeking adjustment under the provisions of § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation, on the basis of substantial hardship and other factors as set forth therein.

This amendment shall become effective April 20, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5348; Filed, April 15, 1944; 12:08 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Rev. SR 14 to GMPR, Amdt. 117]

**MAXIMUM RATES FOR CHARTER OF TUGBOATS**

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

Section 7.19 of Revised Supplementary Regulation No. 14 is added to read as follows:

**SEC. 7.19** *Maximum rates for the charter of tugboats.* Maximum rates for the charter of tugboats and towboats on a bare basis shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation. The maximum rates for the charter on a fully manned and supplied basis of heavy-duty Diesel and steam-powered tugboats, for use in transportation service (other than salvage, deep-sea and harbor towage) for the movement of any and all commodities, either in tank barges or otherwise, on the Gulf Intracoastal Waterway and the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and their tributary waterways shall be as follows:

Description:	Rate per hour
59 horsepower and under.....	\$3.50
60 horsepower to 100.....	5.00
101 horsepower to 150.....	7.00
151 horsepower to 164.....	8.00
165 horsepower to 230.....	9.00
231 horsepower to 355.....	11.00
356 horsepower to 475.....	15.00
476 horsepower to 650.....	18.50
651 horsepower to 750.....	20.00
751 horsepower and over.....	21.00

(a) *Definition.* The "Gulf Intracoastal Waterway" and the "Atlantic Intracoastal Waterway" as used herein are the waterways defined in subparagraphs (4) and (6), respectively, of section 7.6 (a) of Revised Supplementary Regulation No. 14.

(b) *Rules and regulations applicable to the charter of tugboats.* (1) In determining the horsepower of Diesel tugboats, for purposes of this section, the rated horsepower at maximum revolutions per minute shall be used and the indicated horsepower shall be used in determining the horsepower of steam powered tugboats.

(2) The maximum price for the charter of a tugboat for less than 5 hours shall be the maximum price for a charter period of 5 hours computed on the basis of the rates set forth in the above table.

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

(3) In determining maximum prices for charter periods of less than seventy-two (72) hours but more than five (5) hours, ten percent (10%) may be added to the maximum prices computed on the basis of the rates set forth in the above table and, for charter periods of more than 30 consecutive days, ten percent (10%) shall be deducted.

(4) The above rates include the furnishing of full crew, subsistence for the crew, necessary supplies, fuel, maintenance, and insurance customarily provided by the owner. They do not include charges for wharfage, dockage, lockage or cargo insurance.

This amendment shall become effective April 20, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5349; Filed, April 15, 1944; 12:09 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Rev. SR 14 to GMPR, Amdt. 118]

**TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS BY BARGE ON DESIGNATED WATERWAYS**

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

Section 7.6 is amended to read as follows:

**SEC. 7.6** *Rates for transportation of petroleum and petroleum products in bulk by barge and charter rates therefor on the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, the Mississippi River, including their tributary waterways, and the Gulf of Mexico—(a) Definitions.*

(1) "Barge" means all non-self-propelled water craft licensed by the U. S. Coast Guard, Bureau of Inspection and Navigation, and used, for the transportation of petroleum or petroleum products in bulk.

(2) "Petroleum" and "petroleum products" mean products of Grade B and lower as defined in the Code of Federal Regulations, Title 46, Chapter I, Subchapter D, Part 30. "Tank Vessels" (Bureau of Marine Inspection and Navigation, U. S. Coast Guard) Rates and charges for the transportation of Grade A petroleum products in bulk by barge shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation.

(3) "Ton" and "net ton" mean two thousand (2,000) pounds avoirdupois.

(4) "Points on the Gulf Intracoastal Waterway" mean all points which are or may be served with barge transportation by use of the Gulf Intracoastal Waterway and all its navigable and connecting tributary waterways, except points

on the Mississippi River and its tributaries north of North Baton Rouge, Louisiana, and except points on the Mobile-Warrior-Tombigbee Rivers north of Mobile, Alabama.

(5) "Points on the Gulf of Mexico" mean all points in the United States which are or may be served with barge transportation conducted wholly or in principal part on the Gulf of Mexico.

(6) "Points on the Atlantic Intracoastal Waterway" mean all points which are or may be served with barge transportation by use of the Atlantic Intracoastal Waterway south of, and including, Norfolk, Virginia, and all points on the tributaries of the Atlantic Intracoastal Waterway south of Norfolk, Virginia.

(7) "Points on the Mississippi River and its tributaries" mean all points which are or may be served with barge transportation by use of the rivers in Group A, Group B and Group C, as hereinafter defined.

(8) "Group A" and "Group B" mean:

Group A	Group B
Lower Mississippi River	Tennessee River
Ohio River	Cumberland River
Kanawha River	Green River
Illinois River	Barren River
Allegheny River	Kentucky River
St. Croix River	Ouachita River
Stillwater River	Missouri River
Monongahela River	Licking River

(9) "Group C" means the Upper Mississippi River and its tributaries (except the Illinois and Missouri Rivers) north of St. Louis, Missouri, including all loading stations located within a radius of 25 miles of St. Louis.

(b) *Maximum rates for transportation on the Gulf Intracoastal Waterway.* Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf Intracoastal Waterway, for distances of 75<sup>1</sup> miles or more, shall be as set forth in the table below. (See provision in paragraph (e) of this section 7.6.)

[Rate in mills per net ton per mile]

Distance in miles	Minimum cargoes in tow			
	500 tons	1,000 tons	2,000 tons	3,000 tons
75 to, but not including, 100 miles.....	7.00	6.50	6.00	5.50
100 to, but not including, 150 miles.....	6.50	6.25	5.80	5.00
150 miles and over.....	6.00	5.70	5.30	4.25

**Rules and Regulations Applicable to the Gulf Intracoastal Waterway**

(1) *Distances.* Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, except that three miles may be added in

<sup>1</sup> Rates and charges for distances less than 75 miles and for harbor towage and towage within harbor district areas are exempt from maximum price regulation under § 1499.46 (b) (125) and (126) of Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation.

the case of movements having one terminus east of Canal Street, New Orleans, Louisiana, and the other west of Harvey Canal Lock.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum rates for furnishing towing services only shall not exceed 75% of the maximum rates herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for a cargo in tow of less than 500 tons for distances over 75 miles shall be either (1) the charge determined by agreement between the parties, or (ii) the maximum charge for a cargo of 500 tons computed at the 500-ton rate for the applicable distance. Charges determined under subdivision (i) of this subparagraph which exceed the maximum charges computed in accordance with the terms of subdivision (ii) shall be reported by the carrier within 10 days of the date of the agreement to the District Office of the Office of Price Administration, Canal Building, New Orleans, Louisiana.

The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 500 tons but less than 1,000 tons shall be computed at the rate established in the above table for minimum cargoes of 500 tons, unless the charge thus computed exceeds the charge for a cargo of 1,000 tons computed at the 1,000-ton rate, in which event the latter charge shall prevail.

The maximum charge for a voyage shall not in any case exceed the maximum charge for the transportation of the same cargo a greater distance.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Tolls and port charges.* Canal tollage, lock charges, and port charges are included in the rates set forth in the above table for tugs and barges but are not included in the rates for towing only.

(5) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges but is not included in the rates for towing only.

(6) *Pumping out by carrier.* When cargo is discharged by use of carrier's pumps, a charge of three-quarters ( $\frac{3}{4}$ ) of one cent per barrel may be made for use of carrier's pumps. In addition, if the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for the transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier

or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage.* The rates specified above include free time of three hours at loading point and three hours at unloading point plus one hour in each case for each barge in excess of three in the tow. Loading and discharge rates shall be determined by agreement between the parties, or, in the absence of such agreement, the loading rate shall be 2,500 barrels per running hour and the discharge rate shall be 1,500 barrels per running hour day and night, Saturdays, Sundays and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of three cents per hour per indicated or rated horsepower, as the case may be, with a minimum charge of \$10.00 per tug per hour or fraction thereof and \$2.50 per barge per hour or fraction thereof.

(9) *Additional charge for operating on the Gulf of Mexico.* When operating conditions on the Gulf Intracoastal Waterway between Panama City and Port St. Joe, Florida necessitate operation on the Gulf of Mexico, an additional charge may be made of not more than 33¢ per ton when the maximum rate is based on a minimum cargo of 2,000 tons or less and 24¢ per ton when the maximum rate is based on a minimum cargo of 3,000 tons.

(10) *Split deliveries.* When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(c) *Maximum rates for transportation on the Gulf of Mexico.* Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Gulf of Mexico shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that, for distances of 75 miles and over, maximum prices shall be as follows:

[Rate in mills per net ton per mile]

Distance in miles	Minimum cargoes in tow		
	1,000 tons	2,000 tons	3,000 tons
Under 150 miles.....	6.50	6.00	5.50
150 to, but not including, 300 miles..	6.25	5.60	4.50
300 to, but not including, 700 miles..	6.00	5.30	4.25
700 miles and over.....	5.70	5.00	4.00

#### Rules and Regulations Applicable to the Gulf of Mexico

(1) *Distances.* Distances shall be determined in accordance with United States Coast and Geodetic Survey Charts, from the bar of the port of loading to the bar of the port of discharge, to which may be added actual mileage from the bar to the dock at each port.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing service only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for a cargo in tow of less than 1,000 tons shall be the maximum charge for a cargo of 1,000 tons computed at the 1,000-ton rate. The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 1,000 tons but less than 2,000 tons shall be computed at the rate established in the above table for minimum cargoes of 1,000 tons, unless the charge thus computed exceeds the charge for a cargo of 2,000 tons computed at the 2,000-ton rate, in which event, the latter charge shall prevail.

The maximum charge for a voyage shall not in any case exceed the maximum charge for the transportation of the same cargo a greater distance.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Port charges.* Port charges on vessels are included in the rates set forth in the above table.

(5) *Insurance and crew's bonus payments.* Cargo insurance is not included in the rates set forth in the above table, but insurance and war risk insurance on vessels, war risk insurance on crews and bonus payments to crew members are included.

(6) *Pumping out by carrier.* Use of the carrier's pumps for discharging and the service of pumping out cargo are included in the rates set forth in the above table.

(7) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement be-

tween the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage*. The rates set forth in the above table include free time of three hours at loading point and three hours at unloading point for minimum cargoes in tow of less than 2,000 tons and six hours at loading point and six hours at unloading point for minimum cargoes in tow of 2,000 tons and over. Loading and discharge rates shall be determined by agreement between the parties or, in the absence of such agreement, they shall be the maximum loading and discharge rates of the available pumping equipment. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of \$35.00 per running hour or fraction thereof for tugs having minimum cargoes of 2,000 tons and over and \$25.00 per running hour or fraction thereof for tugs having minimum cargoes in tow of less than 2,000 tons. The following demurrage rates for barges may be charged:

	Per running hour or fraction thereof
Under 3,000 tons capacity	\$7.50
3,000 to, but not including, 4,000 tons capacity	10.00
4,000 to, but not including, 5,000 tons capacity	12.50
5,000 tons capacity and over	15.00

<sup>1</sup> Capacity shall be the full cubical capacity of the barge as allowed in its certificate without regard to the density of the cargo.

(9) *Split deliveries*. When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(d) *Maximum rates for transportation on the Atlantic Intracoastal Waterway*. Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and its tributaries, shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that the maximum

rates for distances of 25 miles or more shall be as follows:

[Rate in mills per net ton per mile]

Distance in miles	Minimum cargoes in tow			
	750 tons	1,000 tons	2,000 tons	3,000 tons
25 to, but not including, 150 miles	9.60	9.00	7.60	6.50
150 to, but not including, 300 miles	9.40	8.60	6.60	5.50
300 miles and over	9.20	8.30	6.30	5.25

*Rules and Regulations Applicable to the Atlantic Intracoastal Waterway*

(1) *Distances*. Distances shall be determined in accordance with the official distance tables of the U. S. Engineers, and, to the extent that distances are not thus ascertainable, in accordance with actual mileage.

(2) *Application of rates to cargoes in tow*. The rates set forth in the above table are for the furnishing of tugs and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges.

The rates set forth in the above table are based on the specified minimum cargoes in tow. The maximum charge for cargoes in tow of less than 750 tons shall be the charge for a cargo of 750 tons computed at the 750-ton rate. The maximum charge for a particular cargo shall not, in any case, exceed the maximum charge for a cargo of the next higher minimum tonnage computed at the rate applicable thereto. For example, the maximum charge for a cargo in tow of more than 750 tons but less than 1,000 tons shall be computed at the rate established in the above table for minimum cargoes of 750 tons, unless the charge thus computed exceeds the charge for a cargo of 1,000 tons computed at the 1,000-ton rate, in which event the latter charge shall prevail.

The maximum charge for a voyage shall not in any case exceed the maximum charge for the transportation of the same cargo a greater distance.

(3) *Wharfage and dockage*. Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Tolls and port charges*. Canal tollage, lock charges and port charges are included in the rates set forth in the above table for tugs and barges but are not included in the rates for towing only.

(5) *Insurance*. Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges but is not included in the rates for towing only.

(6) *Pumping out by carrier*. When cargo is discharged by use of carrier's pumps, a charge of three-quarters (¾) of one cent per barrel may be made for use of carrier's pumps. In addition, if the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost

to the carrier of furnishing such service.

(7) *Cleaning of equipment*. Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(8) *Demurrage*. The rates set forth above include free time of three hours at loading point and three hours at unloading point. Loading and discharge rates shall be determined by agreement between the parties, or, in the absence of such agreement, the loading rate shall be 1,250 barrels per running hour and the discharge rate shall be 750 barrels per running hour, day or night, Saturdays, Sundays and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at the rate of \$10.00 per running hour or fraction thereof per tug, and \$2.50 per running hour or fraction thereof per barge.

(9) *Split deliveries*. When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(e) *Maximum rates on the Mississippi River*. Maximum rates for the transportation, by carriers other than common carriers, of petroleum and petroleum products in bulk by barge between points on the Mississippi River and its tributaries, shall continue to be determined under the provisions of § 1499.2 of the General Maximum Price Regulation, except that the maximum prices for distances of 150 miles or more shall be as set forth below: *Provided*, That the provisions of paragraph (b) of this section 7.6, governing transportation on the Gulf Intracoastal Waterway, shall apply to transportation which originates on the Gulf Intracoastal Waterway and terminates at a point on the Mississippi River south of, and including, North Baton Rouge, Louisiana, and also to movements on the Mississippi River wholly between points south of, and including, North Baton Rouge, Louisiana, and, with respect to movements originating on the

Gulf Intracoastal Waterway which are transferred or interchanged at a point on the Mississippi River south of, and including, North Baton Rouge for further transportation beyond North Baton Rouge, to that part of the transportation performed prior to such transfer or interchange.

[Rate in mills per net ton per mile]

<i>Group A</i>	
150 to, but not including, 300 miles.....	4.00
300 miles and over.....	3.75
<i>Group B</i>	
150 to, but not including, 300 miles.....	4.10
300 miles and over.....	3.90
<i>Group C</i>	
150 to, but not including, 300 miles.....	3.75
300 miles and over.....	3.50

*Rules and Regulations Applicable to the Mississippi River*

(1) *Distances.* Distances shall be determined in accordance with the 1942 U. S. Coast Guard Light List, with no deductions for cut-offs.

(2) *Application of rates to cargoes in tow.* The rates set forth in the above table are for the furnishing of tugs and barges or towboats and barges by the carrier. Maximum prices for furnishing towing services only shall not exceed 75% of the maximum prices herein provided for furnishing tugs and barges or towboats and barges.

The rates set forth above are based on minimum cargoes of 500 tons per barge. The maximum charge for cargoes of less than 500 tons per barge shall be the charge for a cargo of 500 tons.

(3) *Wharfage and dockage.* Wharfage and dockage charges are not included in the rates set forth in the above table.

(4) *Insurance.* Cargo insurance is not included in the rates set forth in the above table. Insurance on barges is included in the rates for tugs and barges and towboats and barges but is not included in the rates for towing only.

(5) *Pumping out by carrier.* When cargo is discharged by use of carrier's pumps installed on barges, an additional charge of three-quarters ( $\frac{3}{4}$ ) of one cent per barrel may be made for use of carrier's pumps. If the carrier performs discharging service, at the request of the shipper, an additional charge therefor may be made, which shall not exceed the actual cost to the carrier of furnishing such service.

(6) *Cleaning of equipment.* Where cleaning is required to render barges suitable for transportation of the products of a particular shipper, the cost of cleaning shall be paid by the carrier or shipper, as determined by agreement between the parties: *Provided*, That the amount which may be added to the maximum prices herein specified shall not exceed the actual cost of such cleaning. In the event the shipper does not clean barges which have become dirtied in his service, the carrier may make an additional charge not to exceed the actual cost incurred for the cleaning necessary to render such barges suitable for the transportation of the commodities for

which they were suitable when placed in the shipper's service. In addition, the carrier may charge for all time necessarily consumed for such cleaning, whether performed by carrier or shipper, at the rates specified below for demurrage.

(7) *Demurrage.* The rates specified above include free time of three hours at loading point and three hours at unloading point plus one hour in each case for each barge in excess of three in the tow. Loading and discharge rates shall be determined by agreement between the parties or, in the absence of such agreement, the loading rate shall be 2,500 barrels per running hour and the discharge rate shall be 1,500 barrels per running hour, day or night, Saturdays, Sundays, and holidays not excepted. Demurrage for all time in addition to the free time and the loading and discharge time may be charged at rates for barges which shall not exceed three-tenths ( $\frac{3}{10}$ ) of one mill per barrel of 42 gallons per hour, based on barge capacity, size of barge to be determined by Barge Calibration Table, and at rates for tugboats which shall not exceed three (3) cents per indicated or rated horsepower, as the case may be, per hour.

(8) *Split deliveries.* When a tow consists of more than one delivery, the total maximum charge for the services shall be the lower of the charges resulting from the following methods of computation: (1) the total of the charges for each delivery computed separately as if it were unaccompanied in the same tow by other deliveries; or, (2) the charge for the total tonnage of the tow at the rate appropriate for the distance to the farthest port of discharge, as if such total tonnage were transported to such farthest port of discharge.

(1) *Maximum rates for the charter of tank barges.* Maximum rates for the charter of tank barges for use in the transportation of petroleum and petroleum products between points on the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway south of Norfolk, Virginia, and the Mississippi River, and their tributary waterways, shall be as follows:

<i>Capacity of barge</i>	<i>Rate per barge per month</i>
Under 750 barrels.....	\$187.50.
750-1,499 barrels.....	25 cents per barrel.
1,500-2,999 barrels.....	22 cents per barrel.
3,000-5,999 barrels.....	\$570, plus 11 cents per barrel over 3,000.
6,000 barrels and over.....	\$900, plus 9 cents per barrel over 6,000.

*Rules and Regulations Applicable to the Charter of Tank Barges*

(1) Capacity shall be the full cubical capacity of the barge as allowed in its certificate without regard to the density of the cargo.

(2) The maximum charge for a particular barge shall not, in any case, exceed the maximum charge for a barge of the next greater capacity group computed at the rate applicable thereto. For example, the maximum charge for a barge of more than 750 barrels capacity

but less than 1,500 barrels shall be computed at the rate established in the above table for barges of 750 to, but not including, 1,500 barrels, unless the charge thus computed exceeds the charge for a barge of 1,500 barrels capacity computed at the 1,500 barrel rate, in which event the latter charge shall prevail.

(3) The rates set forth in the above table may be increased by twenty percent (20%) for barges equipped with pumps.

(4) The rates set forth in the above table are for a period of one month extending from the date on which the charter commences to, but not including, the same date in the next calendar month, but, if there be no corresponding date in the next succeeding calendar month, it shall extend to and include the last day of that month. Fractions of a month shall be computed on the basis of one-thirtieth ( $\frac{1}{30}$ ) of the monthly rate for each twenty-four hour period or fraction thereof.

(5) The rates set forth in the above table include hull insurance to be carried at the owner's expense for the benefit of the owner and the charterer as their interests may appear. The cost of P and I insurance shall be borne by the owner or the charterer as they may agree. All other insurance carried for the benefit of the charterer shall be at his expense.

(6) The rates set forth herein contemplate that the barge shall be returned to the owner in the same condition as when received, ordinary wear and tear excepted.

This amendment shall become effective April 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

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

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5350; Filed, April 15, 1944; 12:09 p. m.]

PART 1312—LUMBER & LUMBER PRODUCTS  
[MPR 348, Amdt. 45]

LOGS AND BOLTS

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

Maximum Price Regulation No. 348 is amended in the following respects:

The sentences following the effective date provisions of Amendments 23, 26,

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

<sup>1</sup> 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 1317, 1571, 1572, 1717, 2088, 2135, 2561, 2856, 3345, 3385, 3337, 3577.

27, 30, 31 and 34 are amended to read as follows:

Regardless of any other provisions of this regulation, any buyer purchasing logs in the area covered by this amendment who had prices in effect on or after January 12, 1944, higher than those set forth in this amendment, may continue to purchase the same grades and species then being bought at those same prices for an additional period until May 15, 1944. These prices may have been established either by a contract, firm commitment, by a standing offer to buy at stated prices, or by purchases under Maximum Price Regulation 313. New contracts or commitments may be entered into at the same prices fixed by existing contracts, or commitments, or standing offers. The qualification in the preceding sentences will terminate prior to May 15, 1944, on any species or grades included in any amendments or regulations affecting this area hereafter issued which are effective prior to that date.

This amendment shall become effective April 15, 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 15th day of April 1944.

JAMES G. ROGERS, JR.,  
Acting Administrator.

[F. R. Doc. 44-5390; Filed, April 15, 1944;  
4:42 p. m.]

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

[RMPR 504]

CERTAIN COTTON RUG MATERIALS

Maximum Price Regulation No. 504<sup>1</sup> is redesignated Revised Maximum Price Regulation No. 504 and is revised and amended to read as follows:

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

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control

with respect to the commodities subject to this regulation.

§ 1347.805 *Maximum prices for certain cotton rug materials.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 504, Certain Cotton Rug Materials, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.805 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.

REVISED MAXIMUM PRICE REGULATION NO. 504—  
CERTAIN COTTON RUG MATERIALS

CONTENTS

1. Prohibition against dealing in certain cotton rug materials at prices above the maximum.
2. Less than maximum prices.
3. Geographical applicability.
4. The relation of this regulation to other regulations.
5. Federal and state taxes.
6. Export sales.
7. Imports.
8. Evasion.
9. Enforcement.
10. Licensing.
11. Records and reports.
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14. Definitions.

Appendix A—Maximum prices for certain cotton rug materials.

SECTION 1. *Prohibition against dealing in certain cotton rug materials at prices above the maximum.* On and after April 15, 1944, regardless of any contract or other obligation:

(a) No person shall sell or deliver any cotton rug materials listed in Appendix A at higher prices than those set forth in such appendix.

(b) No person shall in the course of trade or business buy or receive cotton rug materials listed in Appendix A at prices higher than those set forth in such appendix.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states and to the District of Columbia.

SEC. 4. *The relation of this regulation to other regulations.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation<sup>1</sup> and of Maximum Price Regulation No. 344,<sup>2</sup> New Cotton, Linen and Underwear Cuttings, with respect to sales and deliveries for which maximum prices are established by this regulation. Since the term "certain cotton rug materials," as defined in section 14 (a) (2), does not include any material used for any purpose other than the making of cotton rugs, Maximum Price Regulation No.

344 continues to apply to sales of any of the materials listed in Appendix A of this regulation when sold for such other purposes.

SEC. 5. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of cotton rug materials listed in Appendix A imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the seller's maximum price for such cotton rug materials and in preparing the records of such seller with respect thereto:

If, at the time the seller determines his maximum price the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

SEC. 6. *Export sales.* The maximum price at which a seller may export or sell for export the cotton rug materials listed in Appendix A shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation<sup>3</sup> issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing cotton rug materials listed in Appendix A shall pay a total price for such materials including United States custom duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to any of the cotton rug materials listed in Appendix A alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *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 license as provided by the Emergency Price Control Act of 1942, as amended.

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

<sup>1</sup> 8 F.R. 452.

<sup>1</sup> 8 F.R. 3096, 3819, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

<sup>2</sup> 8 F.R. 3198, 6109.

<sup>3</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193.

**SEC. 10. Licensing.** The provisions of Licensing Order No. 1,<sup>4</sup> 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.

**SEC. 11. Records and reports.** (a) Every person making sales or purchases of 10 tons or more per month of the cotton rug materials listed in Appendix A shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each such sale or purchase, showing the following:

- (1) Date of purchase or sale.
- (2) Name and address of the buyer or seller.
- (3) Grade of cotton rug materials purchased or sold.
- (4) Quantity of each grade purchased or sold.
- (5) Prices paid or received.
- (6) Warranties, if any, given or received.

Such records shall set forth separately the f. o. b. point of shipment price, the origin and destination of the shipment, the means of transportation used, the amount of the transportation charge, and any other amounts paid or received in connection with such sale. Such records may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase, providing the invoice contains the information specified above.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

**SEC. 12. 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. 1.<sup>5</sup>

**SEC. 13. 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 Emer-

gency 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.

**SEC. 14. Definitions:** (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Certain cotton rug materials" consist of the knitted cotton or mercerized material used in making cotton rugs.

(3) "Rugmaker" means a person who makes cotton rugs.

(4) "Foreign materials" includes all material which cannot be used in making cotton rugs.

(5) "Tare" means the covering on a carton or bale.

(6) "Collector" is a person who sells and delivers any of the cotton rug materials listed in Appendix A and who delivers such materials to a rugmaker at his customary receiving point.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

#### APPENDIX A—MAXIMUM PRICES FOR CERTAIN COTTON RUG MATERIALS

(a) The maximum prices set forth below are established for the listed grades of cotton rug materials. These maximum prices are per pound, delivered to buyer's usual receiving point, except that delivery shall be to Asheville, North Carolina, in all cases where buyer's place of business is located in the Asheville area. Sales may be made upon an f. o. b. basis, in which case, however, there must be deducted from the maximum price as listed below an amount at least equal to the transportation cost seller would have incurred if the sale had been upon a delivered basis, which amount shall not be less than the lowest established transportation rate.

All grades as defined herein must consist of clean, dry material free of thread waste and other foreign materials, unless otherwise specified. Mixtures of grades may be sold, providing the price for the mixture does not exceed the maximum price established by this regulation for the lowest-priced grade contained in the assortment. Tare weight in excess of 3 percent must be deducted from the weight of the bale in computing the maximum price for the bale.

Maximum prices,  
cents per pound

White tubing and white ribbed leg pieces consists of full length leg pieces of children's hosiery, from which the feet of the stockings have been removed. The pieces must be of lightweight cotton material at least 10 inches long----- 12.00

Maximum prices,  
cents per pound

White sock tops consists of the defective tops of white knitted socks or stockings. The tops must be of soft, lightweight cotton or mercerized material and at least 5 inches in length. The packing must be free of leg waste, threads and other foreign material----- 9.00

White sock tops with leg waste consists of the defective tops and leg waste of white knitted socks or stockings. The tops must be of soft, lightweight cotton or mercerized material----- 5.00

Lightweight colored tops and/or spring covers, repacked consists of lightweight colored sock tops and tubular knitted containers of lightweight material, free of thread waste and other foreign material. Sock tops and/or spring covers must be at least 5 inches long----- 7.00

Heavyweight sock tops and/or spring covers, containing thread waste consists of heavyweight white or colored sock tops and tubular knitted containers which may contain thread waste----- 3.00

Anklet and leg waste consists of waste pieces of socks or stockings. Heavyweight short pieces and thread waste may be included in the packing----- 3.00

Looper clips consists of circular pieces of cotton or mercerized material which has been clipped from the toe of a sock, free of rubber----- 5.50

(b) Maximum prices to collectors. Upon sales to collectors, an amount not in excess of 3¢ per pound may be added to the maximum prices set forth in paragraph (a) above: *Provided, however,* That no such addition may be made upon sales of looper clips.

(c) Maximum prices to rugmakers. Any collector making sales to a rugmaker may add an amount not in excess of 3¢ per pound to the maximum price established by paragraphs (a) and (b) above. Any other person making sales to a rugmaker may add an amount not in excess of 3¢ per pound to the maximum price set forth in paragraph (a) above. In the case of looper clips, however, the addition upon sales to rugmakers shall in no event exceed the maximum prices set forth in paragraph (a) by more than 2¢ per pound.

All maximum prices to the rugmaker are per pound delivered to the rugmaker's customary receiving point.

(d) Special packing, packaging or services. There may not be added to any maximum price established herein any additional amount or differential for any special packing, packaging or services.

This Revised Maximum Price Regulation No. 504 shall become effective April 15, 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)

Issued this 15th day of April 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-5389; Filed, April 15, 1944; 4:43 p. m.]

<sup>4</sup> 8 F.R. 13240.

<sup>5</sup> 7 F.R. 8961; 8 F.R. 3313, 3583, 6173, 11806.

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,<sup>1</sup> Amdt. 131]

## MEAT, FATS, FISH AND CHEESES

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

Ration Order 16 is amended in the following respects:

1. Section 7.6 (i) is added to read as follows:

(i) *Reduction of allotment and adjustment of excess inventory based on shortening or cooking and salad oils.* (1) The allotment for the second allotment period of 1944 of any industrial user who used shortening or cooking and salad oils during the second quarter of his base period, shall be reduced by five-sixths of the amount which represents that use. The amount of the reduction shall be treated as excess inventory. He may not, after April 15, 1944, use foods covered by this order which have a point value, if, before that date, he used such foods up to the amount of that reduced allotment plus any unused parts of his prior allotments or if such use of foods covered by this order would cause his total use, in points, during the second allotment period to exceed that reduced allotment plus any unused parts of his prior allotments.

(2) An industrial user who acquired shortening or cooking and salad oils for points after March 15, 1944, from points issued to him for the second allotment period, may apply for an adjustment of his excess inventory. (An industrial user who, on March 15, 1944, had points on hand or in his ration bank account is considered to have acquired shortening or cooking and salad oils from points issued to him for his second allotment period only to the extent that the point value of shortening or cooking and salad oils he acquired after March 15, 1944, exceeds the points he had on hand and in his ration bank account on that date.) Application shall be made on OPA Form R-315 to the board with which he is registered and must state, with respect to each such acquisition:

(i) The point value of shortening and cooking and salad oils acquired for points after March 15, 1944, from points issued to him for the second allotment period;

(ii) The types and quantities of shortening and cooking and salad oils acquired with these points;

(iii) The dates on which such foods were acquired; and

(iv) The names and addresses of the persons from whom such feeds were acquired.

(3) If the board finds the statements made in the application are true, it shall

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

<sup>1</sup> 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 403, 677, 695, 849, 1054, 1532, 1581, 1728, 1818, 1909, 2235, 2240, 2406, 2563.

grant the application and reduce his excess inventory by the number of such points which he used between March 16 and April 15, 1944, inclusive, to acquire shortening or cooking and salad oils.

2. Section 11.19 is added to read as follows:

SEC. 11.19 *Restriction on industrial and institutional users' inventory of rationed fats or oils having a zero point value.* (a) On or after April 16, 1944, an industrial or institutional user may not acquire rationed fats or oils having a zero point value at the time he acquires them if he already has in his inventory a 30-day supply (at his current rate of use) of such rationed fats or oils. An industrial or institutional user also may not acquire such rationed fats or oils if such acquisition would bring his inventory of these foods above a 30-day supply. However, if he has less than a 30-day supply on hand, he may acquire an amount of such foods equal to the smallest amount he customarily acquires in a single transaction. In no event, however, may any industrial or institutional user acquire such rationed fats or oils in an amount which would bring his inventory of them above a 45-day supply, at his current rate of use. Notwithstanding any provision in this paragraph, an industrial or institutional user may accept delivery of any rationed fats or oils which were in transit to him on April 15, 1944.

This amendment shall become effective 12:01 a. m., April 16, 1944.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of April 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-5392; Filed, April 15, 1944; 4:43 p. m.]

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,<sup>1</sup> Amdt. 25 to Rev. Supp. 1]

## MEAT, FATS, FISH AND CHEESES

The Official Tables of Consumer and Trade Point Values (No. 13), referred to in § 1407.3027 (a) are amended in the following respects:

1. The point value of "Shortening" is reduced to zero.

2. The point value of "Salad and cooking oils" is reduced to zero.

<sup>1</sup> 8 F.R. 16834, 16839, 16893, 17278, 17306, 17372; 9 F.R. 105, 184, 731, 1181, 1819, 2007, 2091, 2477, 2553, 2789, 2830, 2948.

This amendment shall become effective at 12:01 a. m., April 16, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 15th day of April 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-5393; Filed, April 15, 1944; 4:43 p. m.]

## PART 1420—BREWERY, DISTILLERY, AND WINERY PRODUCTS

[MPR 259, as Amended,<sup>1</sup> Amdt. 5]

## DOMESTIC MALT BEVERAGES

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

Maximum Price Regulation No. 259, as amended, is amended in the following respects:

1. The headnote of § 1420.53 is amended to read as follows:

§ 1420.53 *Applicability of the General Maximum Price Regulation and other regulations or orders.*

2. Paragraph (a) of § 1420.53 is amended to read as follows:

(a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of domestic malt beverages for which maximum prices are established by this regulation. However, this regulation shall not apply to sales of domestic malt beverages at retail in any area in which maximum prices for such sales have been or are hereafter fixed by the Regional Administrator or District Director of the Office of Price Administration in that area by special order issued under General Order No. 50,<sup>2</sup> or by any restaurant maximum price regulation.

3. Paragraphs (a) and (b) of § 1420.63 are amended by adding at the end of the second paragraph of the notice a sentence to read as follows:

If, however, maximum prices for domestic malt beverages sold at retail have been fixed by the Regional Administrator or District Director of the Office of Price Administration for your district by special order issued under General Order No. 50 or by any restaurant maximum price regulation, you are not permitted to recalculate your prices for those sales but must continue to sell at prices no higher than those stated in the special order, or any restaurant maximum price regulation.

<sup>1</sup> 7 F.R. 8950, 9495; 8 F.R. 10902, 16835; 9 F.R. 3392, 3946.

<sup>2</sup> 8 F.R. 4808.

This amendment shall become effective April 15, 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 15th day of April 1944.

JAMES G. ROGERS, JR.,  
Acting Administrator.

[F. R. Doc. 44-5391; Filed, April 15, 1944;  
4:42 p. m.]

## TITLE 46—SHIPPING

### Chapter III—War Shipping Administration

[G. O. 11, Supp. 2, Corr.]

#### PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

##### UNIFORM ADDENDUM TO TIME CHARTER COVERING ADJUSTMENTS OF CERTAIN DISPUTED QUESTIONS

Paragraph Third in Uniform Addendum to Time Charter Covering Adjustments of Certain Disputed Questions as prescribed by § 302.57, published in the FEDERAL REGISTER for Friday, March 31, 1944 at page 3464 is corrected by striking out the words "accrue or" wherever such words appear in said paragraph, so that said paragraph will read:

*Third:* Any other provisions of this Charter or any amendments thereto to the contrary notwithstanding, no hire or other moneys which the Charterer or the Owner is obligated to pay to the other under this Charter or any amendment thereto, shall become due and payable before the execution of this Charter which occurred on -----, 1942, and no hire or other moneys which the Charterer or the Owner is obligated to pay to the other under this Addendum shall become due and payable before the date of this Addendum.

[SEAL]

A. J. WILLIAMS,  
Secretary.

APRIL 17, 1944.

[F. R. Doc. 44-5400; Filed, April 17, 1944;  
10:56 a. m.]

[G. O. 41]

#### PART 304—LABOR

##### EMPLOYMENT CARDS FOR ISSUANCE TO SEAMEN EMPLOYED OR TO BE EMPLOYED ON PANAMANIAN FLAG VESSELS OWNED BY OR UNDER CHARTER TO WAR SHIPPING ADMINISTRATION

Whereas a substantial number of vessels registered under the laws of Panama are owned by or under bareboat or time charter to the War Shipping Administration and manned by officers and seamen of various nationalities.

The successful operation and complete utilization of such vessels are vital to the interests of the United States and the United Nations in the successful prosecution of the war.

An investigation has demonstrated that the conduct and efficiency of some of the personnel aboard such vessels during voyages has been of such a nature that the contribution of such vessels to the successful prosecution of the war has

been diminished; that such performance and conduct are definitely prejudicial to the interests of the United States and the United Nations in the prosecution of the war; that such conditions will be reduced to a minimum and better performance and proper discipline and morale among personnel will be brought about by the establishment and administration, with the cooperation of the United States Coast Guard, acting as agent of the War Shipping Administration, of a system of more complete control over the employment of personnel aboard such vessels.

Now, therefore, it is ordered: That:

Sec.	
304.61	Employment card.
304.62	United States Coast Guard to issue.
304.63	Application for card.
304.64	Master to retain card during voyage.
304.65	Duty of Master upon offenses of seaman.
304.66	Duties and authority of United States Coast Guard with respect to complaints against card holders; hearings.
304.67	Decisions of United States Coast Guard; exonerations, revocation of card, restrictive endorsement.
304.68	Revocations and suspensions barring issuance of card.
304.69	Unlawful use of card; penalty.
304.70	Waiver of requirements of General Order 41.
304.71	Delegation of authority to the Commandant, United States Coast Guard.
304.72	Other disciplinary measures not affected.

AUTHORITY: §§ 304.61 to 304.72, inclusive, issued under E.O. 9054, 7 F.R. 837.

§ 304.61 *Employment card.* Effective as to all voyages commencing in a port in continental United States, inclusive of Alaska, on or after 12:01 a. m. of May 21, 1944, no seaman, master or officer shall be permitted to sign articles or be employed for a foreign voyage aboard a vessel registered under the laws of Panama, owned by or under bareboat or time charter to the War Shipping Administration, unless he holds in his possession an employment card<sup>1</sup> issued by the United States Coast Guard. Such card shall be in the form prescribed by the War Shipping Administration and shall bear a serial number and the official seal of the United States Coast Guard and show the name and address of the seaman, his nationality, weight, height, color of hair and eyes, photograph and his thumb print, and shall contain the following statements:

1. The holder of this card may be employed on board vessels of Panamanian registry owned by or under bareboat or time charter to the War Shipping Administration.
2. This card is issued subject to all the agreements and representations of the holder's application, and may be revoked or suspended for any violation thereof.
3. Upon signing articles, this card must be deposited with the Master who shall return it upon completion of the voyage unless complaint of any violation of the agreements or representations of the holder's application has been made, or the holder has been requested to appear before the United States Coast Guard. In such case, the Master shall deliver this card to the United States Coast Guard.

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

4. Each use of this card constitutes a representation to the United States that the same was duly issued to the user, and is valid, subsisting, unrevoked, unsuspended and unrestricted for the purpose for which used. Violation of that representation will constitute a violation of section 35 (A) of the Criminal Code (18 U.S.C. 80) punishable by fine and imprisonment. Possession or use of this employment card, in any way not authorized by the War Shipping Administration's General Order 41, and sale, transfer or imitation thereof, are prohibited and constitute an offense punishable by fine and imprisonment under Title 18 U.S.C. secs. 76a and 76b.

*Failure to Appear and Testify at a Hearing When Requested in Writing by the United States Coast Guard May Result in Suspension or Revocation of This Card Without Further Notice.*

§ 304.62 *United States Coast Guard to issue.* Except as otherwise herein provided, the United States Coast Guard shall issue an employment card to any seaman, master or officer, who makes application in writing on the form prescribed by the War Shipping Administration and who furnishes satisfactory proof of past employment on board Panamanian flag vessels owned by or under charter to the War Shipping Administration, or shall issue such card to any seaman, master or officer, whether or not previously so employed, upon request in writing by the Recruitment and Manning Organization of the War Shipping Administration and upon completion of the required application.

§ 304.63 *Application for card.* The application for an employment card<sup>1</sup> shall contain representations and agreements by the applicant as follows:

- (a) That all representations made by him in the application are true.
- (b) That he is competent for employment as a seaman, master, or officer, in the ratings or capacities set forth in the statement of his qualifications.
- (c) That during his employment he will faithfully and diligently perform all the duties customarily required of a seaman, master or officer, similarly employed on a vessel of United States registry.
- (d) That during such employment he will conduct himself in the same manner as required of a seaman, master or officer, similarly serving on vessels of United States registry by all the laws, rules, and regulations of the United States.
- (e) That during such employment he will commit no act of misconduct detrimental to the interests of the United States or the United Nations in the prosecution of the war.
- (f) That he will attend on written request all investigations or hearings conducted by the United States Coast Guard concerning his or any other employment card.
- (g) That no license or certificate issued to the applicant under the laws of the United States or any employment card issued by the United States Coast Guard is presently revoked or suspended without probation; that subsequent revocation or suspension of any license or certificate issued under the laws of the United States shall be grounds for similar action against his employment card.
- (h) That the United States Coast Guard shall hear and determine all complaints of violation of the agreements and representations hereof and

all questions relating to the revocation, suspension or restriction of the employment card applied for, and every such determination made by it shall be binding and conclusive.

(i) That for any violation of the agreements and representations set forth in the application, his card may be revoked or suspended or restricted as to rating.

(j) That the applicant's privilege to retain and use the employment card is in all respects subject to War Shipping Administration's General Order 41.

(k) That each use of the employment card by the applicant shall constitute a representation to the United States that the same was duly issued to the user and is valid, subsisting, unrevoked, unsuspended and unrestricted for the purpose for which used.

§ 304.64 *Master to retain card during voyage.* Upon signing Articles each seaman and officer shall surrender the employment card to the Master, and such card shall be retained by the Master with the Articles and other ship's papers until the end of the voyage, except as provided in this section and in § 304.65. At the end of the voyage the Master shall return the employment card to each seaman and officer and shall furnish each seaman and officer a certificate of discharge in the form prescribed by Operations Regulation No. 90, or by any other form customarily in use on the vessel. The Master shall deliver the employment card to any seaman or officer who, during the course of the voyage, is paid off by mutual consent, or who becomes physically incapacitated during the voyage, or who is left ashore during the voyage for any reason other than one specified in § 304.65.

§ 304.65 *Duty of Master upon offenses of seamen.* If the Master finds that a seaman or officer during the voyage has been incompetent, negligent, inattentive to duty, or guilty of misconduct, or that his acts or omissions have been prejudicial to the interests of the United States or the United Nations in the successful prosecution of the war, or that he has otherwise violated the agreements and representations evidenced by his application, the Master shall insert in the official log a complete statement thereof, furnish a copy of such statement to the offender, and enter in the log such reply as he may make. The Master shall deliver the offender's card to the United States Coast Guard officer in the port in which the offense was committed or in the first port where a Coast Guard officer is stationed in which the vessel shall arrive after the commission of the offense. In addition to the offender's card, the Master shall likewise deliver a certified copy of the official log entry and the employment cards of all witnesses, including those of the witnesses requested by the offender. At the conclusion of the voyage, the cards of all offenders and witnesses in cases which have not been concluded at some interim port, together with certified copies of the official log entries, shall be delivered by the Master to the United States Coast Guard.

§ 304.66 *Duties and authority of United States Coast Guard with respect*

*to complaints against card holders; hearings.* The United States Coast Guard shall investigate all complaints against the holders of employment cards, whether made as required by § 304.65 or otherwise reported, in accordance with such rules and regulations as it may deem necessary and appropriate to carry out its functions hereunder. If it is found that no reasonable grounds for complaint exist, the United States Coast Guard shall return all employment cards theretofore delivered by the Master in connection with the complaint. Whenever it is determined that there are reasonable grounds to believe that the offense complained of has been committed by the holder of an employment card, a proceeding to suspend or revoke the right to use such card shall be instituted by the United States Coast Guard. The procedure in such cases, including procedures for appeal, shall conform as near as may be to the procedures established under R.S. 4450 (46 U.S.C. 239) for the revocation and suspension of licenses and certificates. Written charges and specifications shall be prepared and served upon the alleged offender with a written request for appearance specifying the time and place of a hearing to be held on such charges. All witnesses, including witnesses desired by the alleged offender, shall be served with a notice in writing, whether or not their employment cards may have been delivered to the Coast Guard by the Master, requesting them to appear at the hearing, which notice shall also provide that if a witness fails to appear and testify under oath his employment card may be suspended or revoked.

§ 304.67 *Decisions of United States Coast Guard: exoneration, revocation of card, restrictive endorsement.* At the conclusion of the hearing, the United States Coast Guard shall make an appropriate decision, based upon the evidence produced at the hearing. If the alleged offender is exonerated, his employment card shall be returned to him. If the charges are sustained and the United States Coast Guard determines that his right to use his employment card should be suspended, the same shall be retained by the United States Coast Guard during the period of suspension, and shall be returned to the holder at the expiration of such period of suspension. If the United States Coast Guard determines that his right to use the employment card should be revoked, the same shall be canceled. If incompetency or other violation is found, not requiring suspension or revocation, a restrictive endorsement may be placed on the employment card specifying the highest rating or capacity in which the seaman or officer may thereafter serve. In such cases, the holder shall not thereafter be eligible for employment in any higher rating than the one so specified unless upon further hearing, granted upon request at any time after expiration of six months from the date of the restrictive endorsement, the endorsement shall be modified or removed.

§ 304.68 *Revocations and suspensions barring issuance of card.* The United States Coast Guard shall not issue an employment card to any applicant whose

license or certificate issued by the Bureau of Marine Inspection and Navigation or the United States Coast Guard has been revoked on or after May 21, 1944, or during any period when the use thereof has been suspended by the United States Coast Guard, or to any applicant who has theretofore received an employment card which has been revoked by the United States Coast Guard or while the right to the use of such employment card has been suspended.

§ 304.69 *Unlawful use of card; penalty.* Each use of the employment card constitutes a representation by the user to the United States that the same was duly issued to the user and is valid, subsisting, unrevoked, unsuspended and unrestricted, for the purpose for which used. Violation of that representation will constitute a violation of section 35 (A) of the Criminal Code (18 U.S.C. 80) punishable by fine and imprisonment. Possession or use of the employment card except in accordance with the terms of this Order, and sale, transfer or imitation thereof, are prohibited and constitute an offense punishable by fine and imprisonment under Title 18 U.S.C. secs. 76a and 76b.

§ 304.70 *Waiver of requirements of General Order 41.* In emergency cases when it may not be possible to obtain from the United States Coast Guard the employment card provided for herein, the several District Marine Superintendents of the Division of Operations of the War Shipping Administration are authorized to waive the requirements of this general order.

§ 304.71 *Delegation of authority to the Commandant, United States Coast Guard.* For the purpose of carrying out the functions delegated to the United States Coast Guard by this order, the Commandant thereof and such other officers of the Coast Guard as he may designate are authorized to exercise on behalf of the Administrator, War Shipping Administration, all powers vested in the Administrator as may be necessary for such purpose, including the power to issue subpoenas and subpoenas duces tecum pursuant to Title 46 U.S.C. 1124.

§ 304.72 *Other disciplinary measures not affected.* Nothing contained in this order shall limit or affect the jurisdiction of the representatives of the Government of Panama, or of the Master of any vessel during the course of any voyage, with respect to discipline aboard any vessel, or the obligation of the Master to enforce such penalties as the laws of Panama may permit or require.

[SEAL]

E. S. LAND,  
Administrator.

APRIL 14, 1944.

Upon request of the Administrator, War Shipping Administration, the delegation of functions and powers to the United States Coast Guard, and the Commandant thereof, as set forth in the foregoing General Order 41, is accepted.

Dated: April 15, 1944.

R. R. WAESCHE,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 44-5399; Filed, April 17, 1944; 10:56 a. m.]

[G. O. 42]

PART 306—GENERAL AGENTS AND AGENTS  
MANDATORY CLAUSES IN AGENTS' CONTRACTS

The provisions of this general order are promulgated in order:

(a) To promote uniformity in the execution and form of all contracts made by agents of the War Shipping Administration for the account of the United States; and

(b) To insure compliance with all provisions of law applicable to such contracts.

Sec.

- 306.111 Contracts to be made in name of War Shipping Administration.  
306.112 Clauses to be included in contracts in name of War Shipping Administration.  
306.113 Short form compliance.  
306.114 Definitions.  
306.115 Date effective.

AUTHORITY: §§ 306.111 to 306.115, inclusive, issued under E.O. 9554 as amended by E.O. 9244, 7 F.R. 837, 7327.

§ 306.111 *Contracts to be made in name of War Shipping Administration.*

(a) Except when the Administrator shall hereafter otherwise and in writing expressly direct, all contracts for facilities, equipment, services or supplies that are for the account of the United States (whether in the form of purchase orders, letters of intent, confirmation, or otherwise) entered into pursuant to the several service agreements by Agents, General Agents and Berth Agents must be executed in the name of the United States of America, War Shipping Administration. Any authorizations to the contrary hitherto granted by the Administrator are hereby withdrawn.

(b) Letterheads, recitals, and forms of signature shall be employed appropriate to indicate that contracts executed for the account of the United States are government contracts made through agents of the War Shipping Administration. The following form of signature should be used:

United States of America,  
War Shipping Administration,

By: \_\_\_\_\_,  
Agent

Contractors should be instructed to render bills for all types and kinds of goods and services as follows:

United States of America,  
War Shipping Administration,

% \_\_\_\_\_,  
Agent

Under no circumstances, however, shall this form of signature or identification or any other indicating an agency relation with the War Shipping Administration be employed by Agents, General Agents or Berth Agents when acting for their own account as owners or in connection with their private business.

(c) Invoices for freight shall be signed as "Agent", and payment by check shall be accepted payable to the agent's special account.

§ 306.112 *Clauses to be included in contracts in name of War Shipping Administration.* Except as otherwise herein provided, the following clauses are required to be included and it is hereby

expressly ordered that they shall be included in all contracts (whether for food, supplies, fuel, ship ceiling, wharfage and dockage, towage, stevedoring, repairs or otherwise, and whether in the form of purchase orders, letters of intent or confirmation, or otherwise) into which Agents, Berth Agents and General Agents are authorized by the service agreements to enter for the account of the United States and which are to be performed any where in the United States, its territories, or possessions. Commercial clauses not in conflict with these or other regulations of the Administrator may also be used where usual and desirable.

(a) *Warranty against contingent fees:*

The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for commission, percentage, brokerage or contingent fees. Breach of this warranty shall give the Administrator the right to annul the contract, or in his discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

(b) *Labor provisions—(1) Copeland Act (Kickback Act).*

The contractor shall comply with the regulations of the Secretary of Labor pursuant to the Act of June 13, 1934 (48 Stat. 948, 40 U.S.C. sec. 276 b, c), and any amendments and modifications thereof, and shall cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all the subcontractors subject thereto, and shall be responsible for the submission of affidavits required of the subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

(2) *Eight Hour Law.* The following clause is applicable only to contracts involving employment of laborers and mechanics:

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work at the site thereof except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this paragraph. The wages of every laborer or mechanic employed by the contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day, and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this paragraph, a penalty of five dollars shall be imposed upon the contractor for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this paragraph, and all penalties thus imposed shall be withheld for the use and benefit of the Government.

(3) *Walsh-Healey Act.* The following clause is applicable only to contracts involving \$10,000 or more for materials, supplies, articles and equipment:

The representations and stipulations required by sec. 1 of the Act of June 30, 1936 (Walsh-Healey Act, Public No. 846, 74th Cong.) to be included in all contracts therein specified are hereby incorporated and made a part of this contract with the same force and effect as if fully set forth in the contract. Such representations and stipulations shall be subject to all applicable regulations, determinations and exemptions of the Secretary of Labor now or hereafter in effect.

(4) *Convict labor.*

No convict labor will be employed in the performance of the work under this contract.

(5) *Nondiscrimination.*

The contractor, in performing work under this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor shall include a similar provision prohibiting such discrimination in all subcontracts.

(c) *Member or delegate.*

No member of or Delegate to Congress and no Resident Commissioner is or shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom except to the extent allowed by 18 U.S.C. sec. 206.

(d) *Assignment of claims.*

No sale, transfer or assignment of this contract or any interest therein or of moneys due or to become due thereunder shall be made directly, or indirectly, or through any reorganization, merger or consolidation without the prior obtained written consent of the Administrator and in accordance with the Assignment of Claims Act, 1940.

(e) *Tax exemption.*

The contractor or vendor warrants and certifies that the amount of the invoice or purchase price charged to the Agent does not include any state or local sales, use or other similar taxes from which the United States is exempt or from which the contractor or vendor is exempt because the sale is to the United States. If any such taxes have been so included or charged and are paid by the Agent, the contractor shall on demand refund the amount thereof to the Agent or to the Administrator.

(f) *Audit and accounts.*

The contractor shall keep complete and accurate records and books of account showing details of all income and expenses incident to or derived from the performance of this contract. The method of accounting employed by the contractor shall be subject to the approval of the Administrator but no material change will be made therein if the same conforms to good accounting practice and is sufficient for the purposes of this contract.

The Administrator and his employees shall at all times have free and unrestricted access to the premises of the contractor and to the work, and shall have the right to inspect, examine, audit and make copies of the contractor's books, records, correspondence, vouchers, and memoranda of every description pertaining to the work. The contractor shall make such reports to the Administrator concerning the work, this contract, and the contractor's financial operations and standing as the Administrator may determine or from time to time require. The contractor shall, without charge to the Administrator and without receiving additional remuneration or payment, keep and preserve all books, records, correspondence,

vouchers, memoranda, and reports of every description in this paragraph referred to for at least three years from the date upon which final payment for any operation under this contract is made.

(g) *Compliance with applicable laws and regulations.*

In performing this contract the contractor shall abide by and comply with all applicable statutes, ordinances, laws, and regulations of the United States (including Executive orders of the President), any state, or any public authority, now or hereafter in force, including but not limited to price ceilings set by the Office of Price Administration, and statutes and executive orders relating to wages and hours of labor.

(h) *Renegotiations.*

This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended by the Revenue Act of 1943. In compliance with the said subsection (b) of the Renegotiation Act, the contractor shall insert in all subcontracts specified in the said subsection (b) the provision of this paragraph.

(i) *Repricing.*

This contract and any subcontracts hereunder are subject to Title VIII of the Revenue Act of 1943, P. L. 235, 78th Congress, enacted February 25, 1944 (Repricing of War Contracts).

§ 306.113 *Short form compliance.* Contracts shall be deemed sufficiently to comply with the requirements of § 306.112, if the following language, incorporating by reference all applicable provisions thereof, shall be conspicuously stamped or printed thereon:

The contractor agrees that this contract is subject to and includes all applicable clauses set out in § 306.112 of General Order 42, issued by the War Shipping Administration on \_\_\_\_\_, 1944. All such clauses, to the extent that the same are applicable, are expressly incorporated by this reference, and shall have the same force and effect as if herein fully set forth.

§ 306.114 *Definitions.* As used in this order:

(a) A General Agent is a person, firm or corporation designated as "General Agent" under a form of GAA agreement approved by the Administrator, War Shipping Administration.

(b) An Agent is a person, firm or corporation designated as "Agent" under a form of TCA agreement approved by the Administrator, War Shipping Administration.

(c) A Berth Agent is a person, firm or corporation designated as "Berth Agent" under a form of BA agreement approved by the Administrator, War Shipping Administration.

(d) Unless otherwise indicated, agent means General Agent, Berth Agent and Agent as herein respectively defined.

(e) A contract is any agreement, whether in the form of purchase order, letter of intent or confirmation, formal writing, or otherwise.

§ 306.115 *Date effective.* This General Order 42 (§ 306.111 to 306.115, inclusive) shall become effective on May 1, 1944, at 12:01 a. m.

[SEAL]

E. S. LAND,  
Administrator.

APRIL 17, 1944.

[F. R. Doc. 44-5421; Filed, April 17, 1944; 11:10 a. m.]

Notices

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration.

[A. O. 816]

ALLOCATION OF FUNDS FOR LOANS

APRIL 3, 1944.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
New York 4-3019S1 Otsego.....	\$20,000
Virginia 4-3043S1 Hot Springs....	25,000

[SEAL]

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-5434; Filed, April 17, 1944; 11:17 a. m.]

[A. O. 817]

ALLOCATION OF FUNDS FOR LOANS

APRIL 3, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 4-3015D1 Morgan....	\$150,000.00
Georgia 4-3051C3 Newton.....	20,000.00
Illinois 4-3018E2 Pike.....	70,000.00
Indiana 4-3044A3 Allen.....	35,000.00
Iowa 4-2079A5 Clarke.....	90,000.00
Nebraska 4-3054C2 Cumming	
District Public.....	85,000.00
New Mexico 4-3009C2 Curry...	10,000.00
North Carolina 4-3055A3	
Craven.....	20,000.00
Texas 4-3107C1 Martin.....	49,631.00
Texas 4-7107C2 Martin.....	369.00
Texas 4-3114A2 Tom Green.....	29,023.68
Texas 4-R9114A3 Tom Green.....	976.32
Vermont 4-3007F1 Orleans.....	85,000.00
Vermont 4-3008B4 Washing-	
ton.....	50,000.00
Virginia 4-3030B3 Bath.....	34,131.14
Virginia 4-1030B4 Bath.....	868.86
Wisconsin 4-3049F2 Dunn.....	40,000.00
Wisconsin 4-3051B2 St. Croix..	65,000.00
Wisconsin 4-3052C2 Crawford..	50,000.00

[SEAL]

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-5435; Filed, April 17, 1944; 11:17 a. m.]

[A. O. 818]

ALLOCATION OF FUNDS FOR LOANS

APRIL 4, 1944.

I hereby amend:

(a) Administrative Order No. 817, dated April 3, 1944, by changing the project designation therein given as "Colorado 4-3015D1 Morgan" to read "Colorado 4-3015T1 Morgan;"

(b) Administrative Order No. 817, dated April 3, 1944, by changing the project designation therein given as "Virginia 4-3030B3 Bath" to read "Virginia 4-3030D3 Bath;"

(c) Administrative Order No. 817, dated April 3, 1944, by changing the project designation therein given as "Virginia 4-1030B4 Bath" to read "Virginia 4-1030D4 Bath".

[SEAL]

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-5436; Filed, April 17, 1944; 11:17 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the fair labor standards act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1941 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the

issuance of any of these certificates, may seek a review or reconsideration thereof.

**NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES**

**SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY**

William Atkin Company, 7th & Allen Streets, Allentown, Pennsylvania; men's shirts; 10 percent (T); effective April 13, 1944, expiring April 12, 1945.

Michael Berkowitz Company, Inc., Frostburg, Maryland; men's pajamas; 10 percent (T); effective April 13, 1944, expiring April 12, 1945.

Michael Berkowitz Company, Inc., Uniontown, Pennsylvania; men's shirts, women's pajamas, WAC waists; 10 percent (T); effective April 10, 1944, expiring April 9, 1945.

Brookfield-Garrison Manufacturing Company, Warrensburg, Missouri; work clothing; 20 percent (AT); effective April 13, 1944, expiring October 12, 1944.

J. Freezer & Son, Inc., Floyd, Virginia; men's cotton dress shirts, Navy blue chambray shirts, Navy khaki utility shirts; 10 percent (T); effective April 15, 1944, expiring April 14, 1945.

J. Freezer & Son, Inc., Radford (East End), Virginia; men's cotton dress shirts; 10 percent (T); effective April 15, 1944, expiring April 14, 1945.

J. Freezer & Son, Inc., Rural Retreat, Virginia; men's cotton dress shirts; 10 percent (T); effective April 15, 1944, expiring April 14, 1945.

M. Hoffman & Company, 183 Orleans Street, East Boston, Massachusetts; work clothing; 10 percent (T); effective April 13, 1944, expiring April 12, 1945.

Leask Manufacturing Company, Inc., 109-115 West First Street, Oswego, New York; slacks and slack sets, overalls, bathrobes, house coats, assorted lounging robes; 5 learners (T); effective April 13, 1944, expiring April 12, 1945.

Rice-Stix Dry Goods Company, Factory #14, Hillsboro, Illinois; dresses; 10 percent (AT); effective April 12, 1944, expiring October 11, 1944.

Salant and Salant, Inc., Parsons, Tennessee; pants; 10 percent (T); effective April 11, 1944, expiring June 30, 1944.

Valley Garment Company, 701 Marshall Street, McMechen, West Virginia; ladies' dresses and sportswear; 10 percent (T); effective April 10, 1944, expiring April 9, 1945.

Wilson Shirt Company, 180 Whitehall Street, S. W. Atlanta, Georgia; shirts; 10 percent (T); effective April 10, 1944, expiring April 9, 1945.

**HOSIERY INDUSTRY**

W. B. Davis & Son, Inc., Fort Payne, Alabama; seamless hosiery; 10 percent (AT); effective April 11, 1944, expiring October 10, 1944.

Unrivaled Hosiery Mill, S. Tunnel Street, Williamstown, Pennsylvania; seamless hosiery; 12 learners (AT); effective April 13, 1944, expiring October 12, 1944.

Walnut Hosiery Mills, Incorporated, 5th & Walnut Streets, Shamokin, Pennsylvania; full-fashioned hosiery; 5 learners (T); effective April 13, 1944, expiring April 12, 1945.

**TELEPHONE INDUSTRY**

Hooper Telephone Company, Hooper, Nebraska; to employ learners as commercial switchboard operators at its Hooper exchange, located at Hooper, Nebraska; effective April 13, 1944, expiring April 12, 1945.

**TEXTILE INDUSTRY**

Avondale Mills, Alexander City, Alabama; cotton cloth; 3 percent (T); effective April 13, 1944, expiring April 12, 1945.

Avondale Mills, Birmingham, Alabama; cotton cloth; 3 percent (T); effective April 13, 1944, expiring April 12, 1945.

Avondale Mills, Lafayette, Alabama; cotton yarns; 3 percent (T); effective April 13, 1944, expiring April 12, 1945.

Avondale Mills, Pell City, Alabama; cotton cloth; 6 percent (AT); effective April 13, 1944, expiring October 12, 1944.

Avondale Mills, Stevenson, Alabama; cotton yarns; 6 percent (AT); effective April 13, 1944, expiring October 12, 1944.

Avondale Mills, Sycamore, Alabama; cotton yarns; 6 percent (AT); effective April 13, 1944, expiring October 12, 1944.

Avondale Mills, Sylacauga, Alabama; cotton yarn and cloth; 3 percent (T); effective April 13, 1944, expiring April 12, 1945.

W. A. Forsyth Silk Company, First Street, Eynon, Pennsylvania; rayon; 19 learners (E); effective April 14, 1944, expiring October 13, 1944.

Richmond Hosiery Mills—Spinning Department, Rossville, Georgia; cotton yarn; 3 percent (T); effective April 13, 1944, expiring April 12, 1945.

Signed at New York, N. Y., this 15th day of April 1944.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 44-5437; Filed, April 17, 1944;  
11:46 a. m.]

**INTERSTATE COMMERCE COMMISSION.**

[S. O. 70-A, Special Permit 190]

**RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, April 11 or 12, 1944, by Liberty Brokerage Company of cars PFE 35019 and SFRD 20588, oranges, now on the Chicago Produce Terminal to Altman and Schwartz, Buffalo, New York.

The waybills shall show reference to this special permit.

A copy of this special permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 11th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5305; Filed, April 14, 1944;  
11:13 a. m.]

[S. O. 178, Special Permit 116]

**LOADING OF CHEESE AT FREEPORT, ILL.**

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of one refrigerator car with cheese and spread in glass by Kraft Cheese Company at Freeport, Illinois, and the movement of the one car so loaded from that point April 11, 1944, to Philadelphia, Pennsylvania. (C. M. St. P. & P.)

The waybills shall show reference to this special permit.

A copy of this special permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 11th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5303; Filed, April 14, 1944;  
11:13 a. m.]

[S. O. 178, Special Permit 117]

**LOADING OF CHEESE AT FREEPORT, ILL.**

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of one refrigerator car with cheese and spread in glass by Kraft Cheese Company at Freeport, Illinois, and the movement of the one car so loaded from that point April 12, 1944, to Cambridge, Massachusetts. (C. M. St. P. & P.)

The waybill shall show reference to this special permit.

A copy of this special permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 11th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5304; Filed, April 14, 1944;  
11:13 a. m.]

[S. O. 187, Special Permit 9]

TRANSPORTATION OF POTATOES FROM  
GLYNDON, MINN.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.335, 9 F.R. 2949) of Service Order No. 187 of March 16, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 187 insofar as it applies to the acceptance for transportation and movement, not later than April 17, 1944, of one refrigerator car containing potatoes grading below eighty percent (80%) U. S. No. 1 quality from Glyndon, Minnesota, where they are now stored in transit, to Minneapolis, Minnesota. (N.P.)

The waybills shall show reference to this special permit.

A copy of this special permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 11th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5306; Filed, April 14, 1944;  
11:13 a. m.]

[S. O. 197, Gen. Permit 1]

TRANSPORTATION OF POTATOES FROM COLO-  
RADO, NEBRASKA, AND WYOMING

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Service Order No. 197 of April 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 197 insofar as it applies to the acceptance for transportation and movement of any railroad box car or refrigerator car loaded with potatoes, other than sweet, of any grade, from origins in the States of Colorado, Nebraska, and Wyoming, consigned to washing plants located at Center, Del Norte, Julesburg, La Jara or Monte Vista, Colorado; Alliance, Bayard, Clouse, Gering, Haig, Hemmingford, Kimball, Lyman, Minatare, Mitchell, Morrill, Scottsbluff, Sidney or South Mitchell, Nebraska; Huntley, Lingle, Pine Bluffs, Riverton, South Torrington or Torrington, Wyoming; for washing, sorting and grading purposes only, provided the bill of lading carries a certification by the shipper that the shipment is intended for washing, sorting, and grading purposes only.

This general permit shall become effective at 7:00 a. m., April 21, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been 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 notice

of this permit shall 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.

Issued at Washington, D. C., this 12th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5307; Filed, April 14, 1944;  
11:13 a. m.]

[S. O. 197, Gen. Permit 2]

TRANSPORTATION OF POTATOES FROM CER-  
TAIN WESTERN STATES

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Service Order No. 197 of April 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 197 insofar as it applies to the acceptance for transportation and movement of any railroad box car or refrigerator car loaded with potatoes, other than sweet, of any grade, from origins in the States of California, Colorado, Idaho, Montana, Nebraska, Nevada, Oregon, Utah, Washington or Wyoming, consigned to dehydrating plants located at Bakersfield, Campbell, Healdsburg, Modesto, Salinas, San Jose, or Visalia, California; Burley, Caldwell, Emmett, Idaho Falls, Jerome, New Plymouth or Payette, Idaho; Sioux City, Iowa; Mitchell or Scottsbluff, Nebraska; Dallas, Milton, Freewater, Lebanon, or Salem, Oregon; or Olympia, or Yakima, Washington; for dehydration purposes only, provided the bill of lading carries a certification by the shipper that the shipment is intended for dehydration purposes only.

This general permit shall become effective at 7:00 a. m., April 21, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 12th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5308; Filed, April 14, 1944;  
11:13 a. m.]OFFICE OF DEFENSE TRANSPORTA-  
TION.

[Supp. Order ODT 3, Rev. 11A]

## COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS  
IN OHIO

Upon consideration of an amended plan for joint action filed with the Office

of Defense Transportation by Commercial Motor Freight, Inc., Columbus, Ohio, and The Cleveland, Columbus & Cincinnati Highway, Inc., Cleveland, Ohio, herein called Commercial and C. C. C. respectively, to facilitate compliance with 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. 2793, 3264, 3357), 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. Commercial shall suspend the transportation of shipments in less-than-truckload lots moving between its terminal at Marion, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Cardington and Mt. Gilead, Ohio, on the other; and in respect of such shipments moving between its terminal at Mansfield, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Loudonville, Polk and Sullivan, Ohio, on the other; and shall divert such shipments to C. C. C. for transportation between those points.

2. C. C. C. shall suspend the transportation of shipments in less-than-truckload lots moving between its terminal at Mansfield, or through that terminal, and points of delivery and collection at Wellington, Ohio; and shall divert such shipments to Commercial for transportation between those points.

3. C. C. C. shall perform the pickup and delivery at Cardington, Mt. Gilead, Loudonville, Polk and Sullivan, in respect of shipments diverted to it pursuant hereto; and Commercial shall perform the pickup and delivery at Wellington in respect of shipments diverted to it pursuant hereto.

4. Whenever transportation service is performed by one carrier in lieu of service by another carrier by reason of a diversion pursuant hereto, the rates, charges, rules and regulations governing such service shall be those that would have applied except for such diversion.

5. 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.

6. 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.

7. 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.

8. Contractual arrangements made by the carriers to effectuate the terms of this order shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This Supplementary Order ODT 3, Revised-11A shall become effective, and shall supersede Supplementary Order ODT 3, Revised-11, on April 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 17th day of April 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 44-5401; Filed, April 17, 1944; 10:53 a. m.]

[Supp. Order ODT 3, Rev. 220]

#### COMMON CARRIERS

#### COORDINATED OPERATIONS BETWEEN DENVER AND GREELEY, COLO.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons 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, 2793, 3264, 3357)

a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> 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 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.

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

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 it by the supplementary order number which appears in the caption hereof, 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 April 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 17th day of April 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

1. A. T. Burbridge (an individual), Greeley, Colo.
2. A. W. Hancock (an individual), doing business as Colorado Truck Line, Greeley, Colo.
3. Ivan Miller and Dwight Miller (a partnership), Greeley, Colo.

[F. R. Doc. 44-5402; Filed, April 17, 1944; 10:53 a. m.]

[Supp. Order ODT 3, Rev. 221]

#### COMMON CARRIERS

#### COORDINATED OPERATIONS BETWEEN FAYETTEVILLE AND SUMMERS, ARK.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons 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, 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> 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 fol-

lowing 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 it by the supplementary order number which appears in the caption hereof, 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 April 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 17th day of April 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

1. Frisco Transportation Company, St. Louis, Mo.

2. Arkansas Motor Freight Lines, Inc., Fort Smith, Ark.

[F. R. Doc. 44-5403; Filed, April 17, 1944; 10:53 a. m.]

[Supp. Order ODT 3, Rev. 222]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN POINTS IN ST. LOUIS, MO., AND INDIANAPOLIS, IND.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons 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, 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> 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 tariff or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

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

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 it by the supplementary order number which appears in the caption hereof, 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 April 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 17th day of April 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

1. Brashear Freight Lines, Inc., St. Louis (3), Mo.

2. Decatur Cartage Company, Chicago, Ill.

3. Riss & Company, Inc., Chicago, Ill.

4. St. Louis-Indianapolis Freight Lines, Inc., St. Louis, Mo.

[F. R. Doc. 44-5404; Filed, April 17, 1944; 10:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 694]

DOMESTIC COAL CO., ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 694 under maximum price regulation No. 120. Bituminous coal de-

livered from mine or preparation plant.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and

the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 2. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

DOMESTIC COAL COMPANY, THE, STONEBORO, PA., WOLF CREEK #2 MINE, KITTANING SEAM, MINE INDEX NO. 4020, VENANGO COUNTY, PA., RAILROAD FUEL PRICE GROUP 15, SUB-DISTRICT 1, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	D	D	C	C	D	D	D		
Rail shipments.....	\$3.10	\$3.10	\$3.00	\$3.00	\$3.10	\$3.00	\$2.70	\$2.70	\$2.45		
R. R. fuel shipments.....	3.10	3.10	3.00	3.00	3.10	3.00	2.70	2.70	2.45	\$2.45	
Truck shipments, price group 3.....	4.35	4.35	4.35	4.00	3.95	3.95	3.95	3.20	2.65	2.65	\$2.40

DOMESTIC COAL COMPANY, THE, STONEBORO, PA., WOLF CREEK #3 MINE, KITTANING SEAM, MINE INDEX NO. 4064, VENANGO COUNTY, PA., RAILROAD FUEL PRICE GROUP 15, SUB-DISTRICT 1, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	E	E	D	D	C	C	D	D	D		
Rail shipments.....	\$3.10	\$3.10	\$3.00	\$3.00	\$3.10	\$3.00	\$2.70	\$2.70	\$2.45		
R. R. fuel shipments.....	3.10	3.10	3.00	3.00	3.10	3.00	2.70	2.70	2.45	\$2.45	
Truck shipments, price group 3.....	4.35	4.35	4.35	4.00	3.95	3.95	3.95	3.20	2.65	2.65	\$2.40

FORD COAL COMPANY, 112 BEN LOMOND STREET, UNIONTOWN, PA., LATROBE MINE, PITTSBURG SEAM, MINE INDEX NO. 4074, WESTMORELAND COUNTY, PA., RAILROAD FUEL PRICE GROUP 16, SUB-DISTRICT 5, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	G	G	G	G	H	H	G	G	G		
Rail shipments.....	\$2.85	\$2.85	\$2.75	\$2.75	\$2.70	\$2.60	\$2.45	\$2.45	\$2.30		
R. R. fuel shipments.....	2.85	2.85	2.85	2.85	2.85	2.70	2.45	2.45	2.35	\$2.35	
Truck shipments, price group 8.....	4.15	4.15	4.15	3.95	3.65	3.65	3.65	3.05	2.85	2.85	\$2.55

FORD COAL COMPANY, 112 BEN LOMOND STREET, UNIONTOWN, PA., LYCIPPUS MINE, PITTSBURG SEAM, MINE INDEX NO. 4086, WESTMORELAND COUNTY, PA., RAILROAD FUEL PRICE GROUP 1, SUB-DISTRICT 3, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	E	E	C	C	C	D	D	D	D		
Rail shipments.....	\$3.10	\$3.10	\$3.10	\$3.10	\$3.10	\$2.90	\$2.70	\$2.70	\$2.45		
R. R. fuel shipments.....	3.10	3.10	3.10	3.10	3.10	2.90	2.70	2.70	2.45	\$2.45	
Truck shipments, price group 8.....	4.15	4.15	4.15	3.95	3.65	3.65	3.65	3.05	2.85	2.85	\$2.55

FORD COAL COMPANY, 112 BEN LOMOND STREET, UNIONTOWN, PA., McCLERMAN MINE, PITTSBURG SEAM, MINE INDEX NO. 4060, FAYETTE COUNTY, PA., RAILROAD FUEL PRICE GROUP 7, SUBDISTRICT 3, STRIP MINE

	Size Group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	E	E	C	C	C	D	D	D	D		
Rail shipments.....	\$3.10	\$3.10	\$3.10	\$3.10	\$3.10	\$2.90	\$2.70	\$2.70	\$2.45		
Railroad fuel shipments.....	3.10	3.10	3.10	3.10	3.10	2.90	2.70	2.70	2.45	\$2.40	
Truck shipments, price group 7.....	4.15	4.15	4.15	3.85	3.75	3.75	3.75	3.10	2.90	2.90	\$2.65

KLEIN, S. COAL COMPANY, 2551 BRADDOCK AVENUE, SWISSVALE, PA., KLEIN NO. 3 MINE, PITTSBURG SEAM, MINE INDEX NO. 4018, ALLEGHANY COUNTY, PA., RAILROAD FUEL PRICE GROUP 1, SUBDISTRICT 9, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	D	D	C	C	C	C	C	C	C		
Rail shipments.....	\$3.10	\$3.10	\$3.10	\$3.10	\$3.10	\$3.00	\$2.75	\$2.75	\$2.55		
Railroad fuel shipments.....	3.10	3.10	3.10	3.10	3.10	3.00	2.75	2.75	2.55	\$2.45	
Truck shipments, price group 5.....	4.25	4.25	4.25	3.90	3.60	3.60	3.60	3.25	2.85	2.85	\$2.70

MULLETT, D. D., 3424 LIBERTY AVENUE, PITTSBURGH, PA., THREE M. MINE, PITTSBURG SEAM, MINE INDEX NO. 4017, FAYETTE COUNTY, PA., RAILROAD FUEL PRICE GROUP 6, SUB-DISTRICT 3, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	E	E	D	D	E	D	E	E	E		
Rail shipments.....	\$3.10	\$3.10	\$3.00	\$3.00	\$2.80	\$2.90	\$2.50	\$2.50	\$2.35		
Railroad fuel shipments.....	3.10	3.10	3.00	3.00	2.90	2.90	2.30	2.50	2.45	\$2.45	
Truck shipments, price group 7.....	4.15	4.15	4.15	3.85	3.75	3.75	3.75	3.10	2.90	2.90	\$2.65

MOROCCO & WARREN COAL COMPANY, 629 6TH STREET, TRAFFORD, PA., HILDA No. 3 MINE, PITTSBURG SEAM, MINE INDEX NO. 4032, WESTMORELAND COUNTY, PA., RAILROAD FUEL PRICE GROUP 2, SUB-DISTRICT 9, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	D	D	C	C	C	F	G	G	G		
Rail shipments.....	\$3.10	\$3.10	\$3.10	\$3.10	\$2.75	\$2.65	\$2.45	\$2.45	\$2.30		
Railroad fuel shipments.....	3.10	3.10	3.10	3.10	2.90	2.75	2.45	2.45	2.45	2.45	
Truck shipments, price group 8.....	4.15	4.15	4.15	3.95	3.65	3.65	3.65	3.05	2.85	2.85	\$2.55

PAUL R. W., CONSTRUCTION COMPANY, 539 WEST HALCOMB STREET, CLAIRTON, PA., PAUL MINE, PITTSBURG SEAM, MINE INDEX NO. 4088, ALLEGHENY COUNTY, PA., RAILROAD FUEL PRICE GROUP 1, SUBDISTRICT 9, STRIP MINE

	Size Group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	D	D	C	C	C	C	C	C	C		
Rail shipments.....	\$3.10	\$3.10	\$3.10	\$3.10	\$3.10	\$3.00	\$2.75	\$2.75	\$2.55		
Railroad fuel shipments.....	3.10	3.10	3.10	3.10	3.10	3.00	2.75	2.75	2.55	\$2.45	
Truck shipments, price group 5.....	4.25	4.25	4.25	3.90	3.60	3.60	3.60	3.25	2.85	2.85	\$2.70

ROBEL & ZIANTS COAL COMPANY, 509 McMILLEN STREET, JOHNSTOWN, PA., FORT PALMER #1 MINE, PITTSBURG SEAM, MINE INDEX NO. 4077, WESTMORELAND COUNTY, PA., RAILROAD FUEL, SUBDISTRICT 6, STRIP MINE

	Size Group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipments, price group 8.....	\$4.15	\$4.15	\$4.15	\$3.95	\$3.65	\$3.65	\$3.65	\$3.05	\$2.85	\$2.85	\$2.55

SASSO, LEONARD, 2902 A. GRANT BLDG., PITTSBURGH, PA., SASSO #6 STRIP MINE, PITTSBURG SEAM, MINE INDEX NO. 4015, WASHINGTON COUNTY, PA., RAILROAD FUEL PRICE GROUP 4, SUB-DISTRICT 7, STRIP MINE

	Size Group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	L	L	J	J	J	J	K	K	K		
Rail shipments.....	\$2.75	\$2.75	\$2.50	\$2.50	\$2.50	\$2.40	\$2.20	\$2.20	\$2.10		
Railroad fuel shipments.....	2.75	2.75	2.65	2.65	2.65	2.50	2.25	2.25	2.25	\$2.25	
Truck shipments, price group 6.....	4.25	4.25	4.25	3.85	3.75	3.75	3.75	3.25	2.90	2.90	\$2.55

SCOTT HAVEN COAL COMPANY, P. O. BOX 22, BLYTHEDALE, PA., MARTIN MINE, SEWICKLEY SEAM, MINE INDEX NO. 4022, WESTMORELAND COUNTY, PA., DRIFT MINE

	Size Group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipments, price group 8.....	\$4.15	\$4.15	\$4.15	\$3.95	\$3.65	\$3.65	\$3.65	\$3.05	\$2.85	\$2.85	\$2.55

TAYLOR, C. I., EAST MCKEESPORT, PA., TAYLOR MINE, PITTSBURG SEAM, MINE INDEX NO. 4045, ALLEGHENY COUNTY, PA., RAILROAD FUEL PRICE GROUP #2, SUBDISTRICT 9, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications.....	D	D	C	C	G	F	G	G	G		
Rail shipments.....	\$3.10	\$3.10	\$3.10	\$3.10	\$2.75	\$2.65	\$2.45	\$2.45	\$2.30		
Railroad fuel shipments.....	3.10	3.10	3.10	3.10	2.90	2.75	2.45	2.45	2.35	\$2.35	
Truck shipments, price group 5.....	4.25	4.25	4.25	3.90	3.60	3.60	3.60	3.25	2.85	2.85	\$2.70

WUNDERLEY, JOHN M., 508 LOCUST STREET, MCKEESPORT, PA., STOOPS MINE, PITTSBURG SEAM, MINE INDEX NO. 4027, ALLEGHENY COUNTY, PA., SUB-DISTRICT 9, STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipments, price group 5.....	\$4.25	\$4.25	\$4.25	\$3.90	\$3.60	\$3.60	\$3.60	\$3.25	\$2.85	\$2.85	\$2.70

This order shall become effective April 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5355; Filed, April 15, 1944;  
12:06 p. m.]

[Order 33 Under GMPR]

U. S. COMMERCIAL CO.

APPROVAL OF MAXIMUM PRICE

Order No. 33 under § 1499.3 (c) of the General Maximum Price Regulation. Approval of maximum price for sales of portable hand wound phonographs originally purchased by U. S. Commercial Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and in accordance with § 1499.3 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) Any person may sell and deliver at wholesale and to the United States Government, the portable hand wound phonographs described in the application of the United States Commercial Company, Washington, D. C., at a maximum price f. o. b. shipping point no higher than \$8.50 per unit for "Model No. 64 Special" (with Swiss motor) and \$7.00 per unit for "Model No. R" (Rebuilt with American motors). These maximum prices are subject to the seller's customary discounts, allowances, and other price differentials.

(b) Any person may sell to consumers, other than industrial, governmental, or commercial users, and deliver the portable hand wound phonographs described in the application of the United States Commercial Company, Washington, D. C., at maximum prices delivered no higher than \$14.25 per unit for Model No. 64 Special (with Swiss motor) and \$11.75 per unit for Model No. R (Rebuilt with American motor). These maximum prices are subject to the seller's customary discounts, allowances, and other price differentials.

(c) Before selling or offering for sale any hand wound phonograph pursuant to paragraph (b) of this order, the seller must attach securely to such phonograph, so that it is clearly visible, a durable tag containing, in easily readable lettering, the following statement containing the correct price and model number:

The O. P. A. has established a retail ceiling price of \$----- (inserting correct figure) for this phonograph Model ----- (inserting correct Model No.). Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(d) At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser of the maximum prices and the conditions set by this Order No. 33. This notice may be given in any convenient form.

(e) This Order No. 33 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 33 shall become effective on the 17th day of April, 1944.

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5359; Filed, April 15, 1944;  
12:01 p. m.]

[MPR 193, Order 7]

AMERICAN DISTILLING CO.

ESTABLISHMENT OF CEILING PRICES FOR  
DOMESTIC DISTILLED SPIRITS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1420.13 (c) of Maximum Price Regulation 193 and § 1499.3 (b) (3) of the General Maximum Price Regulation, it is ordered that:

SECTION 1. *Explanation of this order—*

(a) *Purpose.* This order is issued to establish (where necessary) and to gather into a single document the most important provisions relative to ceiling prices of sellers of certain packaged whiskey to be sold under the brand names "Special Privilege" and "Special Prerogative" as the result of a transfer of whiskey by The American Distilling Company (a Maryland corporation) to Gilbert B. Geiger, Trustee under Trust Indenture dated December 11, 1943; to establish ceiling prices for "clearing" that whiskey ("clearing" being defined in section 10 of this order); to require certain sellers of that whiskey to make reports to the Office of Price Administration, and to afford a convenient means of directing attention to and giving notice of those ceiling prices and requirements.

(b) *Certain definitions.* "Trustee" as used in this order means Gilbert B. Geiger as Trustee under Trust Indenture made and executed December 11, 1943 by The American Distilling Company (a Maryland corporation) and includes his successors in trust.

"Special Privilege whiskey" as used in this order means a blend of straight whiskeys 80.6° proof, 25% straight whiskey four years old, 27% straight whiskey three years old, and 48% straight whiskey two years old, in packages each containing 4/5 quart thereof, bearing the brand name "Special Privilege" or "Privilege Brand Special" on their front labels. A case of that whiskey means twelve of such packages in an individual shipping container.

"Special Prerogative whiskey" as used in this order means rye or bourbon whiskey 100° proof, bottled in bond, in packages each containing one quart thereof and bearing the brand name "Special Prerogative" or "Prerogative Brand Special" on their front labels. A case of that

whiskey means twelve of such packages in an individual shipping container.

"Price" as used in this order means the consideration requested or received in connection with the sale of merchandise or supplying of a service.

"Ceiling price" as used in this order means the highest price that may be charged, demanded, paid or received.

(c) *April 1, 1944 increase in Federal excise taxes.* The ceiling prices provided in sections 2 through 6 of this order include Federal excise taxes at rates in effect prior to April 1, 1944. On that date the Federal excise tax applicable to "Special Privilege" whiskey increases \$5.83 per case and the tax applicable to "Special Prerogative" increases \$9.00 per case. By the use of footnotes, provision is made in this order for adding the April 1, 1944, Federal excise tax increase to ceiling prices on all whiskey with respect to which the seller pays the increase. A seller may add only the exact amount of that tax increase applicable without markup thereon or other addition thereto. On and after April 1, 1944, every seller must state on each invoice to any customer that the prices in the invoice include the increase effective April 1, 1944, in United States excise taxes and that no markup may be applied to the amount thereof. A statement in substantially the following language upon the face of the invoice shall be deemed compliance with this provision:

Our invoice prices include the increase effective April 1, 1944, in United States excise taxes. OPA regulations prohibit a markup on the amount thereof.

SEC. 2. *Ceiling prices for sales of "Special Privilege" and "Special Prerogative" whiskey by special sellers.* "Special seller" means a person (regardless of whether a stockholder of The American Distilling Company) not customarily engaged in the business of buying and selling distilled spirits as a wholesaler, retailer, primary distributing agent or monopoly state, who sells or offers for sale "Special Privilege" or "Special Prerogative" whiskey in accordance with a special license or permit authorizing him to receive and dispose of that whiskey issued under applicable state laws or regulations. It also includes a person who sells or offers to sell such whiskey without license or permit.

(a) *Prices.* The ceiling prices of a special seller for a sale of "Special Privilege" or "Special Prerogative" whiskey shall be as follows:

(1) *Sales to wholesalers and monopoly states.* Ceiling prices per case f. o. b. special seller's shipping point are the total of the following:

(i) \$18.62<sup>1</sup> per case of "Special Privilege" or \$28.37<sup>2</sup> per case of "Special Prerogative" whiskey; plus

(ii) Freight per case from the bottling plant to the special seller's receiv-

<sup>1</sup> \$5.83 may be added to this amount if the April 1, 1944 increase in Federal excise tax is paid with respect to the whiskey being priced.

<sup>2</sup> \$9.00 may be added to this amount if the April 1, 1944 increase in Federal excise tax is paid with respect to the whiskey being priced.

ing point paid by him with respect to the whiskey being priced; plus

(iii) Applicable state and local excise taxes imposed on and paid by the special seller with respect to the whiskey being priced.

(2) *Sales to retailers and to all other persons except wholesalers and monopoly states.* Ceiling prices per case f. o. b. special seller's shipping point are the total of the following:

(i) \$18.62 per case of "Special Privilege" or \$28.37 per case of "Special Prerogative" whiskey; plus

(ii) Freight per case from the bottling plant to the special seller's receiving point paid by him with respect to the whiskey being priced; plus

(iii) Applicable state and local excise taxes at rates in effect on November 2, 1942, imposed on and paid by the special seller with respect to the whiskey being priced; plus

(iv) 15% of the total of (i), (ii) and (iii) immediately above<sup>3</sup>; plus

(v) The applicable amount of any new state or local excise tax first imposed by statute effective after November 2, 1942, and the applicable amount of any increase effective after November 2, 1942, in state or local excise taxes on that date, imposed on and paid by the special seller with respect to the whiskey being priced.

(3) *Sales of individual packages.* A special seller's ceiling price for sales of one or more individual packages of "Special Privilege" or "Special Prerogative" whiskey to a purchaser of any class shall be one-twelfth of his ceiling price per case to a purchaser of that class, multiplied by the number of individual packages being priced.

(b) *Reports.* A special seller selling or transferring (by gift or otherwise) any "Special Privilege" or "Special Prerogative" whiskey shall file a report of the sale or transfer with the District Office of the Office of Price Administration having jurisdiction over the territory in which he resides. The report shall be in writing, signed by the special seller, shall be filed within five days after the sale or transfer has been made and shall contain statements showing:

(1) The name and address of the special seller filing the report.

(2) The name and address of the buyer or transferee.

(3) The date of the sale or transfer.

(4) The quantity (in terms of cases) of each brand of the whiskey sold or transferred in the transaction reported.

(5) The special seller's ceiling price for the sale or transfer of the whiskey described in the report and his computation thereof.

(6) The total price which the buyer paid or contracted to pay for each brand of the whiskey sold or transferred, or if the transfer was made as a gift, a statement to that effect.

(7) The amount of all clearance charges which the special seller has paid

with respect to the quantity of whiskey described in the report and the name and address of the persons to whom they were paid.

(8) Whether to the knowledge of the special seller, the buyer or transferee has paid or contracted to pay any commission, brokerage or fee in connection with the sale or transfer reported, and if known to the special seller, the amount thereof and the name and address of each person to whom payment thereof is to be or has been made. If the special seller has no knowledge of such commission, brokerage or fee which the buyer paid or contracted to pay, the report shall so state.

The report required by this paragraph need not be filed if the quantity of such whiskey sold or transferred by the special seller to the buyer or transferee (in all transactions with that buyer or transferee) totals less than one case.

SEC. 3. *Ceiling prices for sales of "Special Privilege" and "Special Prerogative" whiskey by wholesalers—(a) Initial ceiling prices.* The ceiling prices of a wholesaler for sales of "Special Privilege" or "Special Prerogative" whiskey to customers of a particular class shall be the appropriate amounts<sup>3</sup> determined in accordance with section 5.4 (b) of Maximum Price Regulation 445 using \$18.62 per case for "Special Privilege" and \$28.37 per case for "Special Prerogative" whiskey, respectively, as his supplier's selling price (exclusive of state or local excise taxes) for purposes of determining his net cost for such whiskey he purchases from the trustee.

(b) *Changes in ceiling prices.* Wholesalers who receive purchases of either "Special Privilege" or "Special Prerogative" whiskey after receipt of their first purchase thereof from any seller shall refigure their ceiling prices for the particular brand, and such refigured ceiling prices<sup>3</sup> shall become their ceiling prices therefor, all as provided in section 5.4 (c) of Maximum Price Regulation 445. For purposes of refiguring ceiling prices, any purchase of "Special Privilege" or "Special Prerogative" whiskey, but no purchase of any whiskey of a different brand name shall be deemed a "base purchase" thereof within the meaning of that section.

SEC. 4. *Ceiling prices for sales of "Special Privilege" and "Special Prerogative" whiskey by monopoly states—(a) Initial ceiling prices.* The initial ceiling prices of a monopoly state for sales of "Special Privilege" or "Special Prerogative" whiskey to customers of a particular class shall be the appropriate amounts<sup>3</sup> determined in accordance with section 5.6 (b) of Maximum Price Regulation 445, using \$18.62 per case for "Special Privilege" and \$28.37 per case for "Special Prerogative" whiskey, respectively, as its supplier's selling price (exclusive of state excise taxes) for purposes of determining its net cost for such whiskey it purchases from the Trustee.

(b) *Changes in ceiling prices.* Monopoly states who receive purchases of either "Special Privilege" or "Special Prerogative" whiskey after receipt of their first purchases thereof from any seller shall refigure their ceiling prices

for the particular brand, and such refigured ceiling prices<sup>3</sup> shall become their ceiling prices therefor, all as provided in section 5.6 (c) of Maximum Price Regulation 445. For purposes of refiguring ceiling prices, any purchase of "Special Privilege" or "Special Prerogative" whiskey, but no purchase of any whiskey of a different brand name, shall be deemed a "base purchase" thereof within the meaning of that section.

SEC. 5. *Ceiling prices for sales of "Special Privilege" and "Special Prerogative" whiskey by retailers—(a) Prices.* The ceiling prices of a retailer for sales of "Special Privilege" or "Special Prerogative" whiskey per case shall be as follows:

(1) *Sales to consumers—(i) Initial ceiling prices.* The initial ceiling prices of a retailer for sales of "Special Privilege" or "Special Prerogative" whiskey to customers of a particular class shall be the appropriate amounts<sup>3</sup> determined in accordance with section 5.5 (b) of Maximum Price Regulation 445 using \$18.62 per case for "Special Privilege" and \$28.37 per case for "Special Prerogative" whiskey, respectively, as his supplier's selling price (exclusive of state and local excise taxes) for purposes of determining his net cost for such whiskey he purchases from the Trustee.

(ii) *Changes in ceiling prices.* Retailers who receive a purchase of either "Special Privilege" or "Special Prerogative" whiskey after receipt of their first purchase thereof from any seller shall refigure their ceiling prices for the particular brand, and such refigured ceiling prices<sup>3</sup> shall become their ceiling prices for "Special Privilege" or "Special Prerogative" whiskey, respectively, all as provided in section 5.5 (c) of Maximum Price Regulation 445, except that a retailer shall use his "running weighted average net cost" instead of his "net cost for his most recent purchase" in determining his refigured ceiling prices for that whiskey. For purposes of refiguring ceiling prices, any purchase of "Special Privilege" or "Special Prerogative" whiskey, but no purchase of any whiskey of a different brand name, shall be deemed a "base purchase" thereof within the meaning of that section.

A retailer's "running weighted average net cost" means the amount obtained by:

(a) Determining his net cost exclusive of the April 1, 1944 increase in Federal excise tax for each case of "Special Privilege" or "Special Prerogative" whiskey, respectively, in his stock on the date of his computation. If the retailer has received two or more shipments of the whiskey to be priced (exclusive of his most recent shipment) he shall use as his net cost for any of that whiskey remaining in his stock on the date of computation, his most recent running average weighted net cost for that whiskey.

(b) Adding together the resulting figures obtained at (a); and

(c) Dividing the sum obtained at (b) by the total number of cases of "Special Privilege" or "Special Prerogative" whiskey, respectively, he has in his stock.

(2) *Sales to wholesalers, monopoly states and other retailers.* The ceiling price of a retailer for sales of "Special

<sup>3</sup> For "Special Privilege" \$5.83 and for "Special Prerogative" whiskey \$9.00 may be added to this resulting amount if the April 1, 1944 increase in Federal excise tax is paid with respect to the whiskey being priced.

Privilege" or "Special Prerogative" whiskey to wholesalers, monopoly states and other retailers shall be his "running weighted average net cost" for "Special Privilege" or "Special Prerogative" whiskey, respectively, at the date of sale.

(b) *Records.* Any retailer selling "Special Privilege" or "Special Prerogative" whiskey shall, for so long as the Emergency Price Control Act of 1942 remains in effect, keep available for inspection by the Office of Price Administration, records of the same kind as he customarily keeps and in addition thereto (unless his customary records so show) records showing separately for "Special Privilege" and "Special Prerogative" whiskey the date of each of his purchases of such whiskey, the name and address of the seller, the number of cases purchased, his net cost for the purchase and his computations of his running weighted average net cost for that whiskey.

**SEC. 6. Ceiling prices for sales of packaged domestic whiskey by the Trustee.** The appropriate ceiling prices provided by Appendix E, Article III, Maximum Price Regulation 445, are and shall be applicable to all sales of "Special Privilege" or "Special Prerogative" whiskey by the Trustee.

**SEC. 7. Persons unable to determine ceiling prices.** A person who cannot determine his ceiling price for a particular sale of "Special Privilege" or "Special Prerogative" whiskey under other provisions of this order shall apply by letter to the Office of Price Administration, Washington, D. C., requesting that a ceiling price be established for that sale. The letter shall contain statements setting forth:

(1) The name and address of the person making application.

(2) The quantity and brand name of the whiskey to be sold.

(3) The reason why a ceiling price for the sale cannot be determined under other provisions of this order.

After receipt of the application, the Office of Price Administration will by order authorize a ceiling price for the applicant or for sellers of the whiskey generally including purchasers for resale, or for a class of such sellers. Until a ceiling price is authorized, the applicant may make the sale and deliver the whiskey but he may not receive any payment for it.

**SEC. 8. Reports by the Trustee—Trustee's report of sales of "Special Privilege" and "Special Prerogative" whiskey.** Within 15 days after his first shipment of "Special Privilege" or "Special Prerogative" whiskey pursuant to any purchase, and bi-monthly thereafter, until 15 days after his last shipment, the Trustee shall report all his shipments of "Special Privilege" and "Special Prerogative" whiskey during the preceding period to the Office of Price Administration, Washington, D. C. Such reports shall be in writing, signed by the Trustee and shall contain statements showing, with respect to each shipment:

(1) The name and address of the purchaser.

(2) The name and address of the consignee.

(3) The date on which shipment was made.

(4) The quantity (in cases) of each brand of whiskey.

**SEC. 9. Notice of this order to be given by the Trustee.** At or prior to his first shipment of any "Special Privilege" or "Special Prerogative" whiskey pursuant to a particular purchase order, and to a particular consignee, the Trustee shall notify the purchaser (and the consignee if he be a person other than the purchaser) of the provisions of this order, by delivering or mailing a copy thereof to such persons. Only one such notice need be given to a particular purchaser or consignee.

**SEC. 10. Ceiling prices for clearing—**  
(a) *Prices.* Ceiling prices for clearing "Special Privilege" and "Special Prerogative" whiskey shall be as follows:

(1) *Clearing by wholesalers or retailers.* A wholesaler's or retailer's ceiling price for clearing "Special Privilege" or "Special Prerogative" whiskey shall be \$1.00 per case.

(2) *Clearing by monopoly states.* A monopoly state's ceiling price for clearing "Special Privilege" or "Special Prerogative" whiskey shall be the amount produced by subtracting from \$18.62 per case for "Special Privilege" or \$28.37 per case for "Special Prerogative" whiskey the sum of \$3.91 or \$6.00 respectively, and multiplying the resulting figure by the highest percentage in use during March 1942 for the monopoly state's sales of domestic whiskey to a customer of the same class as the purchaser, according to the statute, ordinance or regulation then prescribing its markup.

(3) *Prohibition.* No consideration or markup in excess of the appropriate amounts stated in subparagraphs (1) and (2) of this paragraph may be charged, received or paid for clearing.

(b) *No charge for clearing in certain instances.* No wholesaler, retailer or monopoly state purchasing "Special Privilege" or "Special Prerogative" whiskey which he has cleared shall charge, or retain a payment previously received for clearing the whiskey so purchased. If a clearing charge has been made or received by the purchasing wholesaler, retailer or monopoly state with respect to the whiskey so purchased, such charge shall be cancelled, or if paid, shall be refunded to the seller or his nominee.

"Clearing" means the service performed by a wholesaler, retailer or monopoly state in receiving "Special Privilege" or "Special Prerogative" whiskey sold by the Trustee to a person exercising an option to purchase that whiskey under the Trust Indenture under which the Trustee acts, and delivering the whiskey to or for the account of that person, his nominee or his successor in interest. The term also includes handling incident to receipt or delivery. Receiving and delivering such whiskey as a nominal purchaser, for accommodation of another, shall be deemed "clearing."

**SEC. 11. License, brokerage and other fees.** No person may add to or increase his ceiling prices for "Special Privilege" or "Special Prerogative" whiskey pro-

vided in this order, because of any sum paid for licenses, permits, clearing service, brokerage, finder's fees, shares of stock, stock transfer taxes, assignments of purchase privileges or orders or for other expense not specifically provided for under sections 2 through 6 of this order.

**SEC. 12. Terms of sale.** If a seller directly or indirectly requires a purchaser to make or furnish any payment in advance of delivery of "Special Privilege" or "Special Prerogative" whiskey, or the rendition of a service for which a ceiling price is established by this order, whether to the seller or to another person, the seller's ceiling price for that whiskey or service shall be reduced by an amount equal to interest at the rate of 5% per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the service supplied, or the payment is refunded to the purchaser.

**SEC. 13. Miscellaneous.** (a) To the extent consistent with this order, the applicable provisions of Maximum Price Regulation 445 are incorporated herein and shall apply to sales of "Special Privilege" and "Special Prerogative" whiskey by the sellers described herein.

(b) The provisions of this order shall not operate to make lawful or to permit any sale or transfer, or handling or dealing in "Special Privilege" or "Special Prerogative" whiskey otherwise prohibited or controlled by Federal, state or local laws, ordinances or regulations, and shall not be deemed a recognition of the validity of the Trust Indenture under which the Trustee acts, or a determination of his relationship to The American Distilling Company.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 17, 1944.

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

(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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5361; Filed, April 15, 1944; 12:02 p. m.]

[MPR 445, Order 69]

AMERICAN DISTILLING Co.

ESTABLISHMENT OF CEILING PRICES FOR BULK WHISKEY

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with section 2.2 (c) of Maximum Price Regulation 445 and § 1499.3 (b) (3) of the General Maximum Price Regulation, It is ordered that:

**SECTION 1. Explanation of this order.** This order is issued to establish (where necessary) and to gather into a single document the most important provisions

relative to ceiling prices for certain sales of bulk whiskey transferred by The American Distilling Company (a Maryland corporation) to Gilbert B. Geiger, Trustee under Trust Indenture dated December 11, 1943; to require certain sellers of that bulk whiskey to make reports to the Office of Price Administration; and to afford a convenient means of directing attention to and giving notice of those ceiling prices and requirements.

"Trustee" as used in this order means Gilbert B. Geiger, as Trustee under Trust Indenture made and effective December 11, 1943, by The American Distilling Company (a Maryland corporation) and includes his successors in trust.

"Price" as used in this order means the consideration requested or received in connection with the sale of merchandise or supplying of a service.

"Ceiling price" as used in this order means the highest price that may be charged, demanded, paid or received.

SEC. 2. *Ceiling prices for sales of bulk whiskey.* The appropriate ceiling prices<sup>1</sup> established by section 2.3 of Maximum Price Regulation 445 are and shall be applicable to sales of bulk whiskey (whether on an original or regauged proof gallon basis) made by the Trustee or any other person to any purchaser, whether or not made by transfer of warehouse receipts or other evidence of title.

SEC. 3. *Terms of sale.* If any seller of such bulk whiskey directly or indirectly requires a purchaser thereof to make or furnish any payment, whether to the seller or to another person in advance of delivery of the bulk whiskey (or warehouse receipt or other evidence of title thereto), the seller must reduce his ceiling price for that sale by an amount equal to interest at the rate of 5% per annum on the amount of the advance payment from the date the payment is made to the date on which the bulk whiskey (or warehouse receipt or other evidence of title thereto) is delivered, or the payment is refunded to the purchaser.

SEC. 4. *License, brokerage and other fees.* No seller of such bulk whiskey may add to or increase his ceiling prices provided in section 2.3 of Maximum Price Regulation 445 because of any sums paid for licenses, permits, brokerage, finder's fees, shares of stock, stock transfer taxes, assignments of purchase privileges or orders or other expense not specifically provided for in section 2.3 of Maximum Price Regulation 445.

SEC. 5. *Reports by the Trustee and certain other sellers—(a) Trustee's reports of sales and transfers of bulk whiskey.* Within 15 days after his first sale of bulk whiskey (whether or not made by transfer of warehouse receipt or other evidence of title) and bi-monthly thereafter, until 15 days after his last sale or transfer, the Trustee shall report all his sales and transfers of bulk whiskey (whether or not made by trans-

fer or warehouse receipt or other evidence of title) to the Office of Price Administration, Washington, D. C. Such reports shall be in writing signed by the Trustee and shall contain statements showing:

(1) The name and address of the purchaser.

(2) The date on which the sale was made.

(3) A description of the sale showing whether the sale was made in bond or Federal excise tax paid, on an original proof gallon or regauged proof gallon basis, the ages of the whiskey at date of sale and the quantity of each age involved in the sale.

(4) The total price which the purchaser paid or contracted to pay for the whiskey.

(5) Whether warehouse receipts or other evidence of title to that whiskey, or the whiskey in bulk have been or will be delivered to the purchaser by the seller.

(6) The amount of any commission, brokerage or fee which the seller has contracted to pay in connection with the sale and the name and address of each person to whom payment thereof is to be or has been made.

(7) Whether to the seller's knowledge, the purchaser or transferee has paid or contracted to pay any commission, brokerage or fee in connection with the sale, and if known to the seller, the amount thereof and the name and address of each person to whom payment thereof is to be or has been made. If the seller has no knowledge of such commission, brokerage or fee which the purchaser has paid or contracted to pay, the report shall so state.

(b) *Reports of sales or transfers of bulk whiskey by any purchaser from the Trustee.* Every person purchasing bulk whiskey from the Trustee, who thereafter sells or transfers all or any part of such whiskey in bulk (whether by transfer of warehouse receipts or other evidence of title) shall file a report of that sale or transfer with the District Office of the Office of Price Administration having jurisdiction over the territory in which he resides. The report shall be in writing, signed by the seller, shall be filed within 10 days after the sale or transfer is made and shall contain the same information as required under paragraph (b) of this section for sales of bulk whiskey by the Trustee.

SEC. 6. *Miscellaneous.* (a) To the extent consistent with this order, the applicable provisions of Maximum Price Regulation 445 are incorporated herein and shall apply to sales of such bulk whiskey by all sellers.

(b) The provisions of this order shall not operate to make lawful or to permit any sale or transfer, or handling or dealing in bulk whiskey otherwise prohibited or controlled by Federal, state or local laws, ordinances or regulations and shall not be deemed a recognition of the validity of the Trust Indenture under which the Trustee acts, or a determination of his relationship to the American Distilling Company.

(c) This order does not apply to a sale of bulk whiskey made by the trustee if

prior to or at the date of sale the Trustee and the purchaser agree in writing that the Trustee is to bottle and the purchaser may sell the whiskey in packages under the brand names "Special Privilege" or "Special Prerogative," unless such agreement is thereafter cancelled.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 17, 1944.

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

(56 Stat. 23, 785; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5362; Filed, April 15, 1944;  
12:02 p. m.]

#### ORDER REQUIRING INFORMATION FROM PROCESSORS AND PACKERS OF CERTAIN PROCESSED FOODS

In order that the Administrator may obtain information with regard to certain processed foods to assist him in prescribing maximum price regulations under the Emergency Price Control Act of 1942, as amended, and pursuant to the authority vested in him by said Act and Executive Orders 9250 and 9328, and in accordance with section 202 (a) of said act, *It is hereby ordered, That:*

Processors, packers, salters, briners and final processors of the food products covered by the maximum price regulations hereinafter listed shall file with the Price Administrator, Washington, D. C. the specific information set forth in this order for each named regulation.

SECTION 1. *Definitions of terms used in this order—(a) General Definitions.* When used in this order the term:

(1) "Weighted average price" means the total gross sales dollars charged for each variety, style of pack, grade, size and container type and size during a "base period" divided by the number of dozen of containers or other units of sale sold of such variety, style, grade, size and container type and size. All sales made in the regular course of business during the base period shall be included, regardless of the date of delivery, except sales made to the armed forces of the United States. Sales contracts made at times other than during the base period shall not be included even though delivery was during the base period. "Weighted average prices" figured under this order shall be on an f. o. b. factory basis. Where more than one "brand" within a grade is packed, the "weighted average price" shall include all brands within a grade.

(2) "Base period" means the particular period of sales specified in this order for each commodity or group of commodi-

<sup>1</sup>For sales Federal excise taxes paid, the seller may add to these ceiling prices the applicable amount of the April 1, 1944, increase in Federal excise taxes as provided in section 7.3 of Maximum Price Regulation 445.

ties, such as "first 60 days after the beginning of the 1941 pack."

(3) "Processor", "packer", "salter" and "briner" and "final processor", as the case may be, means the person respectively defined as such in the particular regulation covering that person's sales of the particular product.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this order.

**SEC. 2. When reports must be filed and form of reports.** The reports required to be filed under this order shall be filed with the Price Administrator, Washington, D. C., on or before April 30, 1944. The information shall be filed in the form specified for each regulation named herein. A separate report form shall be filed for each commodity for which a processor or other seller is required to report his weighted average price. For example, if a processor made sales during the base period of peas, beans and corn, of different styles of pack, grades, etc., he shall file a separate report for all peas, one for all beans and one for all corn sold during the base period. Likewise if the processor both cans and freezes, he shall file separate reports under each specified regulation. Forms on which to file reports will not be furnished due to the administrative difficulties involved in supplying the needed number of forms and the necessity for securing the information at the earliest possible date.

**SEC. 3. Reports to be filed by processors of the products covered by Maximum Price Regulation No. 306<sup>1</sup> (Certain Packed Food Products).** (a) Each processor of any product covered by Maximum Price Regulation No. 306 shall file a report showing his weighted average price per dozen containers f. o. b. factory, for each commodity by variety, style, including sieve size or count where applicable except as to fruits, commercial grade, and container type and size, of such commodity sold during the "base period". The base period for the purpose of this order for all products covered by Maximum Price Regulation No. 306 shall be the first 60 days after the beginning of the 1941 pack, except that as to the following commodities the base period shall be:

Product:	Base period
Dried prunes in juice and prune product.....	March 1942.
Cocktail cherries.....	July 1, through Sept. 30, 1940; July 1, through Sept. 30, 1941.
Maraschino and glace cherries.	January 1, through March 31, 1942.

Product—Continued.	Base period
Brined cherries.....	September 1, through Nov. 30, 1941.
Sauerkraut.....	December 1, 1941 through March 31, 1942.
Mushrooms.....	October 10, through Dec. 10, 1941.

(b) If any processor packed any product covered by Maximum Price Regulation No. 306 during two seasons in the calendar year 1941 at the same factory he shall report separately his weighted average price for the first 60 days of each pack. The report shall clearly indicate the period to which it applies, and the

report for the second 60-day period shall be stated immediately following the report for the first 60-day period.

(c) The reports covering products named in Maximum Price Regulation No. 306 shall be submitted in the form indicated in the example below. Each processor shall indicate the commercial grade of the product, and the AMA grade within which his grade falls as to all items for which the United States Department of Agriculture has specified grades. Where a processor packs more than one brand within a grade his weighted average price shall include all brands within a grade.

Example

Name and address of processor.....  
Commodity. Peas, 1941 Pack. Date of beginning of pack June 20.  
(Two-pack processors indicate beginning date of each pack).

Variety and style of pack	Commercial grade	AMA grade	Container type and size	Pricing unit	Base period sales		Weighted average price
					Number of units sold	Dollars	
Alaska: 3 sieve.....	Top fancy.....	A.....	No. 2 tin.....	doz.....	3,000	\$3,300	\$1.10
4 sieve.....	Low fancy.....	B.....	No. 2 tin.....	doz.....	5,000	4,750	.95

**SEC. 4. Reports to be filed by packers of the products covered by Maximum Price Regulation No. 409<sup>2</sup> (Frozen Fruits, Berries & Vegetables—(1943 Pack and After)) and Maximum Price Regulation No. 207<sup>3</sup> (Frozen Fruits, Berries & Vegetables).** (a) Each packer of any product now covered by Maximum Price Regulation No. 409 or 207 shall file a report of his weighted average price per dozen or other unit f. o. b. factory, revised to reflect no more than seven months' storage in the case of quick-frozen fruits, berries and vegetables and no more than thirty days' storage in the case of cold-packed fruits, berries and vegetables, for each commodity, commercial grade, variety and style of pack and container type and size of such product, sold during the "base period". The "base period" for the purpose of this order for all products covered by Maximum Price Regulation 409 or 207 shall be the first

60 days after the beginning of the 1941 pack.

(b) If any packer froze and packed any product now covered by Maximum Price Regulation 409 or 207 during two seasons in the calendar year 1941 at the same factory he shall report separately his weighted average price for the first 60 days of each pack. The report shall clearly indicate the period to which it applies, and the report for the second 60-day period shall be stated immediately following that for the first 60-day period.

(c) The report for products covered by Maximum Price Regulation 409 and 207 shall be submitted in the form indicated in the example below. Where a packer freezes and packs more than one brand of the product his weighted average price shall include all brands of the product.

Example

Name and address of packer.....  
Commodity. Strawberry 1941 pack. Date of beginning of pack May 15 (Two-pack packers indicate beginning date of each pack).

Variety and style of pack	Commercial grade (where applicable)	Container type and size	Pricing unit	Base period sales		Weighted average price unadjusted	Weighted average price adjusted for storage
				No. of units sold	Dollars		
Sliced.....	Fancy.....	16 oz. carton.....	Doz.....	1,000	\$1,750	\$1.75	\$1.80

<sup>1</sup> 8 F.R. 16896, 17224, 17295, 17482, 9 F.R. 287, 96, 1710, 2237.

<sup>2</sup> 8 F.R. 5358, 9298, 11034, 11080, 11952, 16204, 16207, 16995, 16625, 17299; 9 F.R. 97, 1596.  
<sup>3</sup> 8 F.R. 2977, 17224.

Sec. 5. Reports to be filed by processor of products covered by Maximum Price Regulation 493. (Dried and Processed Apples and Apple Products, 1943 and Other Specified Crops). (a) Each processor of any product covered by Maximum Price Regulation 493 shall file a report showing his weighted average price per dozen containers or other unit f. o. b. factory, for each kind, style of pack, commercial grade and container type and size of such product sold during the "base period". The base period for the purpose of this order shall be the first sixty days after the beginning of the 1941 pack for packed apples, apple-

sauce, apple juice, and sweet cider and the period October 1 to November 30, 1941 as to all other apple products listed in that regulation. (b) The reports covering products named in Maximum Price Regulation 493 shall be submitted in the form indicated in the example below. Each processor shall indicate the commercial grade of the product and the AMA grade within which each such commercial grade falls as to all products for which the United States Department of Agriculture has specified grades. Where a processor packs more than one brand with a grade his weighted average price shall include all brands within a grade.

*Example*

Variety and style of pack	Commercial grade	AMA grade (if any)	Container type and size	Pricing unit	Base period sales		Weighted average price
					Number of units sold	Dollars	
Solid pack.....	Standard.....	C.....	No. 10 tin.....	doz.....	500	\$2,250	\$4.50

Date of beginning of pack, September 30

Sec. 6. Reports to be filed by packers of products covered by Maximum Price Regulation No. 473. (Maximum Price for Packers and Certain Other Sellers of Fruit Preserves, Jams and Jellies) and Maximum Price Regulation No. 226. (Fruit Preserves, Jams and Jellies), (a) Each packer of any product covered by Maximum Price Regulation No. 473 or 226 shall file a report showing his weighted average price per dozen or other unit f. o. b. factory for each kind, flavor, grade (if any) and container type and size of such product sold during the "base period." The "base period" for each flavor shall be that listed as "the applicable base period" in § 1341.302 of Maximum Price Regulation 226 for such flavor, to-wit:

Flavor  
 Apricot, black raspberry, June & July 1941.  
 cherry currant, guave,  
 Pineapple, raspberry  
 and strawberry.  
 Blackberry, boysenberry, Aug. & Sept. 1941.  
 elderberry, loganberry,  
 peach, plum, tomato  
 and youngberry.  
 Apple, bottled cider, crab-  
 apple, grape and  
 quince.  
 Mixed flavors..... Base period indicated above for  
 flavor which  
 predominates by  
 weight in the  
 fruit mixture.

(b) The report for products covered by Maximum Price Regulation Nos. 473 and 226 shall be submitted in the form indicated in the example below.

*Example*

Kind	Flavor	Grade (if any)	Container type and size	Pricing unit	Base period sales		Weighted average price
					Number of units sold	Dollars	
Jam.....	Strawberry	Fancy.....	16-ounce glass.....	doz.....	1,000	\$2,100	\$2.10

Period of sales covered.

'8 F.R. 15697, 16664, 9 F.R. 99, 1121, 1597, 2288.  
 '8 F.R. 18104, 13846, 15257, 16129, 98, 9 F.R. 392, 1596.  
 '8 F.R. 2981, 9201.

Sec. 7. Reports to be filed by packers of products covered by Maximum Price Regulation No. 498. (Maximum Price for Packers and Certain Other Sellers of Apple Butter). (a) Each packer of apple butter shall file a report of his weighted average price per dozen or other unit f. o. b. factory, for each grade, (if any), and container type and size of the product sold during the "base period."

(b) The report for apple butter shall be submitted in the form indicated below. Where the packer sells more than one brand within a grade his weighted average price shall include all brands within a grade.

*Example*

Grade (if any)	Container type and size	Pricing unit	Base period sales		Weighted average price
			Number of units sold	Dollars	
Fancy.....	38 oz. glass.....	doz.....	10,000	\$14,500	\$1.45

Period covered October-November 1941

Sec. 8. Reports to be filed by briners and final processors of the products covered by Maximum Price Regulation No. 488. (Pickles and Certain Pickle Products). (a) Each salter or briner and final processor of any product covered by Maximum Price Regulation No. 488 shall file a report showing his weighted average price per dozen or other unit f. o. b. factory, for each variety, commercial grade, count, style of pack and container type and size of such product sold

during the "base period". The base period for all products covered by Maximum Price Regulation No. 488 shall be October 1 to November 30, 1941. (b) The report covering products named in Maximum Price Regulation No. 488 shall be submitted in the form indicated in the example below. Where a processor packs more than one brand in a grade his weighted average price shall include all brands within a grade.

*Example*

Variety	Commercial grade	Count	Style of pack	Container type and size	Pricing unit	Base period sales		Weighted average price
						No. of units sold	Dollars	
Sweet whole.....	Fancy.....	24-28	2 row placed.	Qt. glass 30 gal. lb.....	Doz.....	2,000	\$4,800	\$2.40
Salt stock.....		1,200			Lb.....	500	4,500	9.00

Period covered October 1-November 30

This order shall become effective April 18, 1944.

Notes: All record-keeping and reporting requirements of this order 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 15th day of April 1944.

CHESTER BOWLES,  
 Administrator.

[F. R. Doc. 44-5358; Filed, April 15, 1944; 12:00 m.]

'8 F.R. 16503; 9 F.R. 1597.  
 '8 F.R. 16503; 9 F.R. 98, 1597.

[RPS 60, Rev. Order 10]

AMERICAN SUGAR CO., ET AL.

## ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered that Order No. 10, issued under § 1334.51 (a) (6) (i) of Revised Price Schedule 60 is hereby amended to read as follows:

(a) *Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar.* (1) The American Sugar Refining Company and other primary distributors of direct consumption sugar are hereby authorized to add a differential of 50 cents per 100 lbs. net to their maximum basis price in order to determine their maximum price for 60 lbs. net of granulated sugar packed 10 lbs. net in each of 6 cotton bags and enclosed in a 5 ply multi-wall kraft paper sack conforming to the following specifications or to specifications producing a package of equivalent construction:

60 lb. paper sack:

5 Walls:

- 1—50 lb. Natural Kraft.
- 1—75 lb. Duplex asphalt laminated.
- 1—50 lb. Natural Kraft.
- 1—75 lb. Duplex asphalt laminated.
- 1—60 lb. Highly sized.

Size—13½" x 6" x 31". Self forming and staggered gussets.

Top and bottom closure—90 lb. crepe Kraft tape, sewed with 6 ply No. 12 white thread and standard filter cord, approximately 3½ stitches per inch—wax dipped.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective April 17, 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 15th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5357; Filed, April 15, 1944;  
12:05 p. m.]

## Regional and District Office Orders.

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on April 12, 1944.

## REGION I

Boston Order No. 2-F, Amendment No. 1, filed 3:16 p. m.  
Boston Order No. G-4, Correction, filed 3:16 p. m.

## REGION III

Grand Rapids Order No. F-14-A, Amendment No. 12, filed 3:32 p. m.  
Grand Rapids Order No. F-14-B, Amendment No. 12, filed 3:32 p. m.  
Indianapolis Order No. 1-W, filed 3:15 p. m.  
Indianapolis Order No. 2-W, filed 3:15 p. m.  
Indianapolis Order No. 3-W, filed 3:20 p. m.  
Indianapolis Order No. 4-W, filed 3:21 p. m.  
Indianapolis Order No. 5-W, filed 3:21 p. m.  
Indianapolis Order No. 6-W, filed 3:22 p. m.  
Indianapolis Order No. 7-W, filed 3:17 p. m.  
Indianapolis Order No. 8-W, filed 3:24 p. m.  
Lexington Order No. 1-W, Amendment No. 1, filed 3:13 p. m.

Louisville Order No. 1-W, filed 3:13 p. m.  
Louisville Order No. 2-W, filed 3:13 p. m.

## REGION IV

Birmingham Order No. 14, Amendment No. 2, filed 3:33 p. m.  
Birmingham Order No. 15, Amendment No. 2, filed 3:33 p. m.  
Jackson Order No. 2-F, Amendment No. 5, filed 3:34 p. m.  
Jacksonville Order No. 4-F, Amendment No. 1, filed 2:55 p. m.  
Jacksonville Order No. 5-F, Amendment No. 1, filed 2:55 p. m.  
Jacksonville Order No. 17, Amendment No. 1, filed 2:55 p. m.  
Jacksonville Order No. 18, Amendment No. 1, filed 2:57 p. m.  
Jacksonville Order No. 19, Amendment No. 1, filed 3:12 p. m.  
Jacksonville Order No. 20, Amendment No. 1, filed 3:12 p. m.  
Jacksonville Order No. 21, Amendment No. 1, filed 3:13 p. m.  
Montgomery Order No. 9-F, filed 3:34 p. m.

## REGION V

Dallas Order No. 1-F, Amendment No. 10, filed 2:45 p. m.  
Dallas Order No. 2-F, Amendment No. 3, filed 2:55 p. m.  
Dallas Order No. 3-F, Amendment No. 8, filed 2:54 p. m.  
Fort Worth Order No. 1-F, Amendment No. 11, filed 2:54 p. m.  
Fort Worth Order No. 2-F, Amendment No. 11, filed 2:53 p. m.  
Fort Worth Order No. 3-F, Amendment No. 11, filed 2:53 p. m.  
Fort Worth Order No. 4-F, Amendment No. 11, filed 2:53 p. m.  
Kansas City Order No. 1-F, Amendment No. 3, filed 3:30 p. m.  
Kansas City Order No. 2-F, Amendment No. 6, filed 3:29 p. m.  
New Orleans Order No. 2-F, Amendment No. 11, filed 3:29 p. m.

## REGION VII

Wyoming Order No. B-1, filed 3:17 p. m.  
Wyoming Order No. 1-F, Amendment No. 2, filed 3:31 p. m.  
Wyoming Order No. 2-F, filed 3:31 p. m.  
Wyoming Order No. 20, filed 3:31 p. m.  
Wyoming Order No. 21, filed 2:31 p. m.  
Wyoming Order No. 21, Amendment No. 1, filed 3:29 p. m.  
Wyoming Order No. 22, filed 3:28 p. m.  
Wyoming Order No. 23, filed 3:17 p. m.  
Wyoming Order No. 23, Amendment No. 1, filed 3:18 p. m.  
Wyoming Order No. 24, filed 3:18 p. m.  
Wyoming Order No. 24, Amendment No. 1, filed 3:19 p. m.  
Wyoming Order No. 25, filed 3:19 p. m.  
Wyoming Order No. 26, filed 3:09 p. m.  
Wyoming Order No. 27, filed 3:20 p. m.  
Wyoming Order No. 28, filed 3:24 p. m.  
Wyoming Order No. 29, filed 3:26 p. m.  
Wyoming Order No. 30, filed 3:27 p. m.  
Wyoming Order No. 31, filed 3:30 p. m.

## REGION VIII

San Francisco Order No. G-8, Amendment No. 3, filed 3:27 p. m.  
San Francisco Order No. G-9, Amendment No. 3, filed 3:27 p. m.  
San Francisco Order No. G-10, Amendment No. 3, filed 3:28 p. m.  
San Francisco Order No. G-11, Amendment No. 3, filed 3:28 p. m.  
San Francisco Order No. G-12, Amendment No. 3, filed 3:32 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 44-5310; Filed, April 14, 1944;  
11:22 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-45, 59-48]

## SOUTHERN UNION GAS CO.

## ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of April, A. D. 1944.

The Commission having by order dated September 19, 1942, directed, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that Southern Union Gas Company, formerly a registered holding company, divest itself of all its interest in, and of all ownership and control of, certain companies and certain properties designated in said order, and the said order having provided that such divestment should be effected within one year of said date, unless such time should be further extended by the Commission; and

The Commission, pursuant to an application filed under section 11 (c) of the act by Southern Union Gas Company, having previously granted an extension of six months from September 19, 1943, within which to comply with the provisions of the said order of September 19, 1942, without prejudice, however, to the respondent to apply for an additional extension if the circumstances warranted; and

Southern Union Gas Company now having filed an application requesting an additional extension of time of six months within which to comply with the divestment provisions of said order of September 19, 1942; and

The Commission having found that Southern Union Gas Company has been unable in the exercise of due diligence to comply with the divestment provisions of said order within the initial statutory period of one year from the date thereof and the six months extension previously granted; and that an additional extension of six months is necessary and appropriate in the public interest and for the protection of investors and consumers;

It is therefore ordered, That Southern Union Gas Company be and it is hereby granted an additional period of six months from March 19, 1944 within which to comply with the said provisions of said order of September 19, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-5335; Filed, April 15, 1944;  
11:37 a. m.]

[File Nos. 54-59, 59-27]

## INTERNATIONAL UTILITIES CORP., AND DOMINION GAS AND ELECTRIC CO.

## ORDER APPROVING AMENDED PLAN FOR RECAPITALIZATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of April, A. D. 1944.

In the matters of International Utilities Corporation, Dominion Gas and Electric Company, File No. 54-59; and inter-

national Utilities Corporation, File No. 59-27.

Proceedings having been instituted by the Commission pursuant to section 11 (b) (2) and other applicable sections of the Public Utility Holding Company Act of 1935 with respect to International Utilities Corporation, a registered holding company, and declarations and applications for approval of a plan for recapitalization having been filed by International Utilities Corporation and its subsidiary, Dominion Gas and Electric Company, also a registered holding company, under section 11 (e) and other applicable sections of said act;

All the foregoing proceedings having been duly consolidated by order of the Commission; hearings having been held after appropriate notice; and the Commission having been fully advised and having entered its findings, opinion and order on April 27, 1943, its findings and opinion on February 15, 1944, and its supplemental findings approving amended plan for recapitalization this day;

Said amended plan providing, among other things, for the following transactions:

(a) The transfer to, and acquisition and receipt by International Utilities Corporation of all stock, securities, assets, and properties belonging to Dominion Gas and Electric Company and the concurrent assumption by International Utilities Corporation of the liabilities of said Dominion Gas and Electric Company;

(b) The issuance by International Utilities Corporation of 95,946 shares of \$3.50 Preferred Stock, \$50 par value, in place of 95,946 shares of presently outstanding Prior Preferred Stock, \$3.50 Series of 1931;

(c) The issuance by International Utilities Corporation of 126,639.864 shares of new Common Stock, \$15 par value, in place of 66,652.56 shares of presently outstanding Preferred Stock, \$1.75 Series of 1931, and all unpaid dividend accumulations thereon;

(d) The issuance by International Utilities Corporation of 123,376.4 shares of new Common Stock, \$15 par value, in place of 88,126 shares of presently outstanding Class A Stock and all unpaid dividend accumulations thereon;

(e) The issuance by International Utilities Corporation of 12,522,652 shares of new Common Stock, \$15 par value, in place of 1,252,265.25 shares of presently outstanding Class B stock;

(f) The issuance by International Utilities Corporation of 2.06 shares of new Common Stock, \$15 par value, in place of 2 93/1500 shares of Dominion Gas and Electric Company's presently outstanding Common Stock in the hands of the public;

(g) The issuance, transfer, and exchange of scrip of International Utilities Corporation to the extent necessary to carry out the plan, as amended; and

International Utilities Corporation and Dominion Gas and Electric Company having requested that the Commission enter herein its order approving said plan, as amended, and that the

Commission's order conform to, and set forth the recitals specified in, sections 371 and 1808 (f) of the Internal Revenue Code, as amended; and having further requested, pursuant to the provisions of section 11 (e) of the act, that the Commission apply to a court in accordance with the provisions of section 18 (f) of the act to enforce and carry out the terms and provisions of the plan.

The Commission finds that the foregoing transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and to make effective the Commission's order herein and are fair and equitable to the persons affected thereby, and

*It is hereby ordered*, Subject to the terms and conditions enumerated below:

(1) That, pursuant to section 11 (e) of said act, said plan as amended be, and it hereby is, approved; and

(2) That the issuance, transfer, and exchange of securities above specified and itemized are necessary or appropriate to effectuate the provisions of section 11 (b) of said Act;

(3) That the transfer by Dominion Gas and Electric Company to International Utilities Corporation of 53 shares 6% Cumulative Preference Stock (\$100 par value) and 76,423 Ordinary shares (\$100 par value) of Canadian Western Natural Gas, Light, Heat and Power, Ltd., 10,000 shares 7% Cumulative Preferred Stock (\$100 par value) and 465,150 Common shares (no par value) of Canadian Utilities, Limited, 240 shares 6% Cumulative Preferred Stock (\$100 par value) and 80,000 Ordinary shares (\$25 par value) of Northwestern Utilities, Limited, 403 Common shares (\$100 par value) of North West Fidelity Trust Company, Limited, 221,568 shares of Capital Stock (no par value) and \$44,500 principal amount 6% debentures, due May 1, 1943, of Domalta Petroleum, Limited, 2,900 shares of Common Stock of Philadelphia Dairy Products Company, Inc., and 3½ shares of Capital Stock of Asuncion Company are necessary or appropriate to effectuate the provisions of section 11 (b) of said act.

This order is subject to the following terms and conditions:

1. That the applicants undertake to pay such fees and reimburse such expenses incurred or to be incurred in connection with said plan, the transactions incident thereto, and the consummation thereof, as are approved, allocated, or awarded by further order or orders of this Commission;

2. That jurisdiction be, and it hereby is, reserved to the Commission to approve or disapprove the amounts at which the 4,255 shares of \$3 Preferred Stock of General Water Gas & Electric Company, 100,000 shares of Common Stock of Lehigh Coal and Navigation Company, and certain miscellaneous investments, all to be owned by the resulting company, are recorded on the books of the resulting company;

3. That jurisdiction be, and it hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take

such further action, as it may deem appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof, including the nomination and election of directors and the right to approve or require an arrangement whereby the resulting company shall transmit to security holders proxies and solicitation material submitted on behalf of particular candidates for director, and, in the event the plan be not consummated, to enter such further orders as it may deem appropriate under sections 11 (b) (2), 15 (f) and 20 (a) of the act; and

4. That this order shall not be operative to authorize the consummation of transactions proposed in the plan, except the proposed capital contribution by International Utilities Corporation to Dominion Gas and Electric Company and the proposed redemption of Dominion's bonds, which transactions may be consummated forthwith, until an appropriate federal district court shall, upon application thereto, enter an order enforcing such plan.

*It is further ordered*, That within 30 days after the final effectuation of the plan, the applicants shall file a Certificate of Notification advising the Commission of the steps which have been taken to consummate the plan.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 44-5336; Filed, April 15, 1944; 11:37 a. m.]

[File No. 70-873]

CONSOLIDATED ELECTRIC AND 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, Pennsylvania, on the 15th day of April, A. D. 1944.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 12 (d) and 12 (c) thereof, and the rules of this Commission promulgated thereunder, whereby Consolidated seeks authorization for: (a) The sale by it, to Scott, Horner & Mason, Inc., a corporation organized under the laws of Virginia and having its principal place of business in Lynchburg, Virginia, of all the capital stock of Roanoke Gas Company (all such stock being owned by Consolidated), consisting of 47,900 shares without par value, for a basic cash consideration of \$831,271; and (b) the sale by Consolidated to the same prospective purchaser of the \$144,000 principal amount of the First Mortgage 5½% Collateral Trust Bonds of said Roanoke Gas Company owned by Consolidated, for a cash consideration of 101% of the principal amount of said bonds plus accrued interest thereon to the date of the consummation of said proposed sale; and (c) the application by Consolidated of

the proceeds to be received by it from said proposed sales in the acquisition, in the open market through brokers, of Consolidated's own Collateral Trust Bonds, and the retirement of the bonds so acquired:

A public hearing having been held upon said declaration, after appropriate notice, and the Commission having considered the record and made and filed its findings herein;

*It is hereby ordered.* That said declaration be, and the same is hereby, permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24, and, in respect of the proposed acquisition and retirement by Consolidated of its own bonds, subject to the following additional terms and conditions:

(1) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to the company;

(2) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(3) That Consolidated shall furnish to the Commission, promptly after the last day of each month, a schedule showing for each day covered by such report the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased.

Consolidated having requested that this order conform to the requirements of sections 373 (a), 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended:

*It is further ordered and recited.* That the transactions authorized and permitted by this order, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, said transactions being as follows:

(1) The sale to Scott, Horner & Mason, Inc., a Virginia corporation, by Consolidated Electric and Gas Company of the securities owned by the latter company of Roanoke Gas Company, hereby specified and itemized as (a) 47,900 shares of Common Stock (without par value) of said Roanoke Gas Company, and (b) First Mortgage 5½% Bonds, due February 1, 1951, of said Roanoke Gas Com-

pany, in the aggregate principal amount of \$144,000;

(2) The application by Consolidated Electric and Gas Company of the proceeds of the sale by it of said securities of the Roanoke Gas Company in the acquisition and retirement of certain bonds issued by Consolidated Electric and Gas Company, hereby specified and itemized as Consolidated Electric and Gas Company Collateral Trust Bonds, due August 1, 1957, and August 1, 1962.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-5396; Filed, April 17, 1944;  
10:18 a. m.]

[File No. 812-31]

HUDSON TRADING & INVESTING CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of April, A. D. 1944.

An application having been filed by the Hudson Trading & Investing Corporation, an unregistered company, for an order granting an exemption from all of the provisions of the act under section 6 (c) of the Investment Company Act of 1940,

*It is ordered.* That a hearing on the matter of the application of the above named applicant under the applicable provisions of said act and the rules of the Commission for exemption from all of the provisions of the Investment Company Act of 1940 be held on April 24, 1944 at 10:30 o'clock, eastern war time, in the forenoon of that date in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.

*It is further ordered.* That Willis E. Monty or any other officer or officers of the Commission designated for that purpose, shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Exam-

iners under the Commission's rules of practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-5397; Filed, April 17, 1944;  
10:18 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following items of equipment are approved:

FIRING ATTACHMENTS FOR LINE-THROWING GUNS

Firing attachment for line-throwing gun, Type A (Dwg. No. C-32 revised 28 March 1944), submitted by the Coston Supply Co., 31 Water St., New York, N. Y.

Firing attachment for line-throwing gun, Model VK-L3 (Dwg. No. F 325, dated 2 April 1944), submitted by the Van Karner Chemical Arms Corp., 202 East 44th Street, New York, N. Y.

LIFE PRESERVER LIGHT

Life preserver light, Type "Dutch Admiral Junior" (Revision of changes Dwg. dated 18 March 1944), submitted by Henry A. S. Van Daalen, 17 East 42nd Street, New York, N. Y.

LIFE RAFT

20-person, improved type, metallic reversible life raft (General Arrangement Dwg. No. 5GR-896, dated 13 March 1944), constructed by the Globe American Corp., Kokomo, Ind.

SEA ANCHOR

Sea anchor, type A-1 (U. S. Coast Guard Specification and Dwg. No. MMI-562, dated 1 November 1943), submitted by Eveready Canvas Corp., 20 Fulton St., New York, N. Y.

R. R. WAESCHE,  
Commandant.

APRIL 14, 1944.

[F. R. Doc. 44-5368; Filed, April 15, 1944;  
12:50 p. m.]