Reid

FEDERAL REGISTER

VOLUME 9 NUMBER 97

Washington, Tuesday, May 16, 1944

The President

EXECUTIVE ORDER 9441

SUSPENSION OF EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE VETERANS' ADMINISTRATION ON PUBLIC WORK WITHIN THE UNITED STATES

WHEREAS the Veterans' Administration is engaged in public-work activities within the United States (including, but not confined to, construction, alteration, repair, maintenance and operation of Veterans' Administration facilities needed for the care and treatment of war veterans) which are essential to the prosecution of the war; and

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

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

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

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

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for the duration of the emergencies proclaimed by me on September 8, 1939, and May 27, 1941, the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Veterans' Administration on any public work within the United States which is essential to the prosecution of the war: *Provided*, That the wages and overtime pay of all laborers and mechanics so employed by the Veterans' Administration shall be computed in accordance with the provisions of existing law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 11, 1944

[F. R. Doc. 44-6842; Filed, May 12, 1944; 2:52 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[FCA Order 406 (1)]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON LOANS SECURED BY COMMODITY CREDIT CORPORATION LOAN DOCUMENTS

Interest rate on loans made pursuant to provisions of subsection (a) of section 8 of the Agricultural Marketing Act, as amended, upon the security of Commodity Credit Corporation loan documents.

Section 70.81–50, Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 70.81–50 *Interest rate on loans secured by Commodity Credit Corporation loan documents.* The rate of interest on loans made on or after May 10, 1944, by any district bank for cooperatives or the Central Bank for Cooperatives to eligible farmers' cooperatives, upon the security of the following types of Commodity Credit Corporation loan documents, shall be 1.00 per centum per annum:

(a) Those representing loans made by such farmers' cooperatives as lending agents pursuant to agreements entered into with Commodity Credit Corporation and which are evidenced by notes of their producer members or farmer patrons, and qualified for purchase by and sale to Commodity Credit Corporation;

(b) Those representing cotton qualified for loans from Commodity Credit

(Continued on p. 5103)

CONTENTS

THE PRESIDENT

(Continued on p. 5102)

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

(Continued on next page)

CONTENTS—Continued

Corporation to such farmers' cooperatives pursuant to agreements entered into with Commodity Credit Corporation, with the exception of the certification that such cotton has been classed by a Board of Examiners of the U. S. Department of Agriculture, provided that such cotton has been received from producer members or farmer patrons of the cooperative.

(Sec. 8, 46 Stat. 14, as amended; 12 U.S.C. 1141f)

[SEAL] I. W. DUGGAN, *Acting Governor.*

MAY 10, 1944.

[F. R. Doc. 44-6913; Filed, May 15, 1944; 11:19 a. m.]

[FCA Order 406 (4)]

PART 71—LOAN POLICIES

LENDING LIMITS FOR EACH DISTRICT BANK FOR COOPERATIVES

Section 71.3 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 71.3 *Lending limits of district banks for cooperatives.* Except with the written approval of the Cooperative Bank Commissioner, the lending limits of each district bank for cooperatives are hereby fixed so that loans to any one borrower outstanding at any time may not exceed the following percentages of the bank's combined capital, surplus, and reserve for contingencies:

1. Facility loans, 10 percent;
2. Operating capital loans, 15 percent;
3. Commodity loans (excluding loans secured by Commodity Credit Corporation documents), 25 percent;
4. The sum of facility and operating capital loans, 15 percent;
5. The sum of facility, operating capital, and commodity loans (excluding loans secured by Commodity Credit Corporation documents), 25 percent.

(Sec. 38, 48 Stat. 264, as amended; 12 U.S.C. 1134j)

[SEAL] I. W. DUGGAN, *Acting Governor.*

MAY 10, 1944.

[F. R. Doc. 44-6912; Filed, May 15, 1944; 11:19 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 4—OIL AND GAS LEASES

AUTHORITY: §§ 4.1 to 4.21, inclusive, issued under 39 Stat. 1134, 1150, 16 U.S.C. 520; 50 Stat. 522, 7 U.S.C. 1000–1029; sec. 5, 49 Stat. 115, 118; sec. 208, 48 Stat. 195, 205, 40 U.S.C. 408; 55 Stat. 795; ch. 564, 55 Stat. 796; ch. 565, 55 Stat. 797; title II, 55 Stat. 838, 839, 50 U.S.C. App., Supp. 2, 611; E.O. 6209, dated July 21, 1933; E.O. 7027 and 7028, Apr. 30, 1935; E.O. 7041, May 15, 1935; E.O. 7200, Sept. 26, 1935; E.O. 7530, 2 F.R. 7; E.O. 7557, 2 F.R. 343; E.O. 9001, 6 F.R. 6787; E.O. 9023, 7 F.R. 302; 40 Ops. Att'y Gen. No. 7, Apr. 2, 1941.

§ 4.1 *Oil and gas rights to which these regulations apply.* The regulations herein promulgated are applicable to oil and gas rights owned by the United States and under the jurisdiction of the Department of Agriculture or any agency thereof. They are not applicable to oil and gas rights in (a) lands reserved from the public domain or acquired by exchange pursuant to the Act of March 20, 1922 (42 Stat. 465, 16 U.S.C. 485, 486), as such lands are subject to the mineral laws applicable to the public domain and the authority to execute such laws is vested in the Secretary of the Interior, or (b) to lands acquired in satisfaction of a loan from any agency under the supervision of the Farm Credit Administration.

§ 4.2 *Policy as to development.* Oil and gas leases will be issued by the Secretary of Agriculture or his representative, when one or both of the following conditions are found to exist:

(a) Well established necessity for the production of additional supplies of oil and gas, or for the development of additional oil and gas reserves, in order to meet war needs.

(b) Where the actual or impending development of oil or gas resources of non-Federal lands may, without adequate compensation to the United States, drain the oil and gas resources of the lands administered by the Secretary.

§ 4.3 *Right to reject bids and applications and to waive informality in bids and applications.* The Secretary reserves the right to reject any or all bids and applications and to waive any informality in bids and applications.

§ 4.4 *Maximum aggregate acreage of oil and gas leases.* (a) To prevent monopoly or concentration of control of oil and gas resources owned by the United States, no person, firm, association, or corporation shall be granted, nor will approval be given to an assignment or transfer of, a lease or leases by this Department of an acreage which, combined with the acreage held by such lessee on lands of the United States under other leases or with a proportionate share in such acreage as described hereinafter in this subsection, will exceed a maximum of 2,560 acres within the geologic structure of the same producing oil or gas field or a maximum of 7,680 acres in any single State, except as provided in paragraph (c). Where the United States owns only an undivided fractional interest in the oil and gas resources of the lands involved, the area charged against the limits above prescribed shall be that part of the total acreage involved in the lease which is proportionate to the ownership by the United States of the oil and gas resources therein: *Provided*, That the total acreage of lands of the United States leased for oil and gas production to any person, firm, association, or corporation, where the United States owns undivided interests in the oil and gas deposits, shall not exceed 5,120 acres within the geologic structure of the same producing oil or gas field, or 15,360 acres within any single State.

(b) When a bidder or other applicant for a lease owns common stock of a corporation or is a member of a company or association, holding other oil or gas leases issued by the United States, a part of the leased acreage, proportionate to the applicant's ownership of the stock of the corporation or the applicant's interest in the company or association, shall be included in the applicant's aggregate acreage. When the applicant is a corporation whose common stock is owned by a holder of an oil or gas lease issued by the United States, or when the applicant is a company or association, a member of which holds such a lease, a part of the leased acreage, pro-

portionate to the stockholder's ownership of common stock in the corporation of the member's interest in the company or association, shall be included in the applicant's aggregate acreage.

(c) In the interest of conservation of oil and gas resources, leased lands operated in conformity with a cooperative or unit plan of development covering a pool, field, or area, which plan has been approved by the Department of Agriculture or another Federal department, will not be subject to or included within the acreage limitations above prescribed.

§ 4.5 *Compensation to the United States for oil and gas leases.* Oil and gas leases will be granted only on the basis of payment to the United States of an equitable compensation, which will normally be made in the three following forms:

(a) A bonus, to be paid for the issuance of an oil and gas lease. Such bonus will be the determining factor in the award of a lease when the lease is to be issued on the basis of competitive bidding.

(b) A rental, to be paid annually and in advance, for each acre or fraction thereof in the amount of 25¢ for the first lease year, 50¢ for the second lease year, 75¢ for the third lease year, and $1.00 for the fourth and each subsequent lease years: *Provided,* That if prior to the issuance of a lease a valuable deposit of oil or gas shall have been discovered within the limits of the geologic structure upon which all or a part of the leased lands are situated, the annual rental shall be $1.00 per acre or fraction thereof. If such a deposit shall be discovered after the issuance of a lease, the rental shall be $1.00 per acre or fraction thereof for each lease year beginning after such discovery.

If the interest of the United States in the oil and gas resources of the leased lands shall be less than the total or complete interest, the proportion of the rentals payable on account of each acre or fraction thereof shall be the same as the proportion which the interest of the United States in the oil and gas resources bears to the total interest.

The rental paid for any one lease year shall be credited on the royalty for that year.

(c) A royalty, consisting of a stipulated percentage of the total volume or value of the oil and gas produced from the leased lands, which percentage shall be computed in the manner hereinafter stated in this paragraph (c): *Provided,* That if the interest of the United States in the oil and gas resources of the leased lands shall be less than the total or complete interest, the proportion of production of oil and gas upon which the stipulated royalty shall be due and payable shall be the same as the proportion which the interest of the United States in the oil and gas resources bears to the total interest.

(1) When the price of oil used in computing royalty value is $1 or more per barrel, the per centum of royalty shall be as follows:

When the average production for the calendar month in barrels per well per day is:

Not over 50, the royalty shall be 12.5 percent.

Over 50 but not over 60, the royalty shall be 13 percent.

Over 60 but not over 70, the royalty shall be 14 percent.

Over 70 but not over 80, the royalty shall be 15 percent.

Over 80 but not over 90, the royalty shall be 16 percent.

Over 90 but not over 110, the royalty shall be 17 percent.

Over 110 but not over 130, the royalty shall be 18 percent.

Over 130 but not over 150, the royalty shall be 19 percent.

Over 150 but not over 200, the royalty shall be 20 percent.

Over 200 but not over 250, the royalty shall be 21 percent.

Over 250 but not over 300, the royalty shall be 22 percent.

Over 300 but not over 350, the royalty shall be 23 percent.

Over 350 but not over 400, the royalty shall be 24 percent

Over 400 but not over 450, the royalty shall be 25 percent.

Over 450 but not over 500, the royalty shall be 26 percent.

Over 500 but not over 750, the royalty shall be 27 percent.

Over 750 but not over 1,000, the royalty shall be 28 percent.

Over 1,000 but not over 1,250, the royalty shall be 29 percent.

Over 1,250 but not over 1,500 the royalty shall be 30 percent.

Over 1,500 but not over 2,000, the royalty shall be 31 percent.

Over 2,000 the royalty shall be 32 percent.

When the price of oil used in computing royalty value is less than $1 per barrel, the per centum of royalty shall be the foregoing multiplied by the ratio of said price to a price of $1 per barrel: *Provided, however,* That the percentum of royalty shall never be less than 12.5.

If the United States shall take its royalty in oil, the price received by the lessee as well as that received by the lesser shall be considered in determining the price to govern the per centum of royalty, unless both prices are $1 or more per barrel.

(2) On gas, including inflammable gas, carbon dioxide and all other natural gases and mixtures thereof, and on natural or casinghead gasoline and other liquid products obtained from gas, the royalty shall be:

When the average production of gas per well per day for the calendar month does not exceed 5,000,000 cubic feet, 12½ percent of the amount or value of the gas and liquid products produced; and when said production of gas exceeds 5,000,000 cubic feet, 16⅔ percent; said amount or value of such liquid products to be net after an allowance for the cost of manufacture: *Provided,* That the allowance for cost of manufacture may exceed two-thirds of the amount or value of any product only on approval by the Secretary and that said value of gas and of liquid products shall be as determined by the Secretary.

(3) The average production per well per day for oil and for gas shall be determined under rules and regulations approved by the Secretary.

The foregoing to the contrary notwithstanding, during the period of the national emergency proclaimed by the President on May 27, 1941 (Proclamation numbered 2487), upon a determination by the Secretary of Agriculture that a new oil or gas field or deposit has been discovered by virtue of a well or wells drilled within the boundaries of lands described in a lease issued under these regulations, the royalty obligation to the United States of the lessee who drills such well or wells as to such new field or deposit shall be limited for a period of ten years following the date of such discovery to a flat rate of 12½ per centum. Any sand or zone situated at a stratigraphic level higher or lower than the known productive sands within the area of any geologic trap shall be deemed upon discovery to be a new deposit. The discovery of a new oil or gas field or deposit shall not affect the rate of royalties on production from deposits previously known to exist.

§ 4.6 *Leasing of oil or gas resources in proved territory, or in unproved territory where competitive interest in leasing is evident.* In territory proved by prior development of producing oil or gas wells or by geologic determination, or in unproved territory where competitive interest in leasing is evident, and where the United States is the full owner of the oil and gas resources in the lands involved or where the undivided fractional interest of the United States in the oil and gas resources is such that its separate disposal is practicable and equitable, oil and gas leases will be issued only after due publicity through advertisements in newspapers of local circulation and trade journals, posting of notices of interest in appropriate public places, and written announcements to persons known to be interested in the development of such resources, followed by the receipt and consideration of formal sealed bids. The award will be made to the qualified bidder who offers the largest sum of money as a bonus for the issuance of a lease.

§ 4.7 *Leasing of oil and gas resources in unproved territory where competitive interest in leasing is not evident.* In territory which has not been proved by prior development of producing oil or gas wells or by geologic determination and where competitive interest in leasing is not evident, on lands in which the United States is full owner of the oil and gas resources or where the undivided fractional interest of the United States in these resources is such that its separate disposal is practicable and equitable, oil and gas leases may be issued to a qualified applicant on the basis of negotiation without the requirement of competitive bidding, but under such terms and conditions as are found by the Secretary to be in the public interest. Applications for such leases shall be

submitted on standard Departmental forms, obtainable from representatives of the Secretary in the field or in Washington, D. C., and shall be mailed or personally delivered to the Division of Purchase, Sales and Traffic, Department of Agriculture, Washington, D. C. An application so received shall be held for a period of ten working days following its receipt. If during such period other applications for leases on any or all of the same lands are received, or the Department is otherwise apprised of a competitive interest in leasing the lands involved, all applications will be rejected, and the procedure prescribed by § 4.6 will be followed. Otherwise, if the applicant is qualified, the application will be recognized, at the expiration of the tenth working day following the day of its receipt, as affording the applicant priority in the issuance of a lease upon such terms and conditions as the Secretary may deem to be in the public interest; competitive bids will not be solicited nor will any application subsequently received be given precedence over the first application filed in the manner herein prescribed.

§ 4.8 *Leasing of undivided fractional interests to co-owners.* Where the United States is the owner of an undivided fractional interest in oil and gas resources and the disposal of such interest to persons other than the co-owner or co-owners thereof is not practicable or equitable, leases may be granted to such co-owner or co-owners or their lessees on the basis of negotiation without the requirement of competitive bidding and regardless of any other application which may be filed, but under such terms and conditions as are found by the Secretary to be in the public interest.

§ 4.9 *Future interests.* Where the United States owns a future interest in oil or gas, the Secretary may, where it is deemed in the public interest, enter into an agreement for the issuance of an oil and gas lease at some future time.

§ 4.10 *Qualifications of lessees.* In order to obtain an oil and gas lease, the prospective lessee must prove to the satisfaction of the Secretary that he is a citizen of the United States, that he has the legal capacity to enter into the lease, and that he has the financial ability to carry out the provisions of the lease. Proof of other qualifications may be required, in accordance with § 4.20.

§ 4.11 *Drainage.* When the Secretary determines that wells drilled upon lands not owned by the United States are draining oil or gas from lands or deposits owned in whole or in part by the United States and administered by him, he may negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of all the lessees affected thereby. Steps leading to the negotiation of such agreements may be initiated in the Department or by application of interested parties. The precise nature of any agreement negotiated will depend on all the conditions and circumstances involved.

§ 4.12 *Assignment of oil and gas leases or interests therein.* No oil and gas leases issued by or under the authority of the Secretary or any interest therein shall be assigned either by operating agreement, working or royalty interest, or otherwise, nor shall any portion of the leased premises be sublet, except (a) with the consent in writing of the Secretary obtained prior to the assignment, or (b) subject to the assignment being submitted to the Secretary within thirty days of the date of its execution and to his approval. All assignments must be submitted in triplicate and must contain all of the terms and conditions agreed upon by the parties thereto. If the assignment fails to describe the true consideration, an accompanying affidavit which describes the consideration in full detail must be submitted. Such affidavit will be treated as confidential and not for public inspection. No assignment will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five percent. No assignment providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved.

§ 4.13 *Inclusion of leased lands in unitization programs.* The development and operation of any area, field, or pool under a Federally-approved cooperative or unit plan is favored in principle, and where the details of operation of such cooperative or unit plan are acceptable to the Secretary all lands within the limits thereof which are covered by oil and gas leases issued by him shall be subject to the provisions of such cooperative or unit plan.

§ 4.14 *Bond requirements.* Within fifteen days after the Secretary has sent to the lessee an oil and gas lease executed by all parties thereto or has notified the lessee that the lease has become effective, the lessee shall file with the designated representative of the Secretary and thereafter maintain a bond in the sum of $1,000 with acceptable surety to guarantee compliance with the terms of the lease, but prior to the initiation by the lessee of drilling operations the lessee shall substitute for that bond, and at all times thereafter maintain as required by the lessor, a bond in such penal sum as shall be stipulated in the lease, with approved corporate surety, or with deposit of United States bonds as surety therefor, conditioned upon compliance with the terms of the lease. The bond of any surety company approved by the Secretary of the Treasury will be accepted as security for performance of the lease.

§ 4.15 *Leases on same land for minerals other than oil and gas.* The granting of a lease for the development or production of oil or gas will not preclude the issuance of other leases or permits on the same land for the mining of other minerals, where not incompatible with the development of the oil and gas resources, with suitable stipulations for joint occupancy by the holders of such leases or permits, to the end that the full development of the mineral resources may be secured.

§ 4.16 *Non-discriminatory employment policies.* All oil and gas leases shall stipulate that the lessee, in the performance of the lease, shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin, and that the lessee shall include in all subcontracts a provision imposing a like obligation on subcontractors.

§ 4.17 *Right to extract helium.* Each oil and gas lease shall stipulate that the United States shall have the right to extract helium from all gas produced on the lands covered by the lease, provided that the said extraction shall be accomplished without substantial delay and shall not otherwise reduce the sale value of the gas; and each lessee must release to the United States any rights which he may have, or may acquire in the future, in said helium through ownership of, or contract with reference to, undivided interests in the oil and gas deposits underlying said lands.

§ 4.18 *Officer in charge.* A representative of the Secretary, to be designated by and to be under the direction of the chief of the bureau charged with the administrative responsibility for the leased property, will supervise and direct operations under each lease. He will be referred to in all leases, agreements, and regulations as the Officer in Charge. Each lessee will be advised as to who is the officer in charge of his particular lease.

§ 4.19 *Lease forms and operating regulations.* Leases will be issued on forms to be prescribed as provided in § 4.20 and shall include provisions and operating regulations for the sound development of the oil and gas resources and for the protection of the surface uses of the land.

§ 4.20 *Delegation to Land Use Coordinator and Director of Finance.* The Land Use Coordinator and the Director of Finance shall jointly have the power to prescribe detailed procedures, forms, and operating regulations in accordance with these regulations.

§ 4.21 *Effective date.* These regulations shall be effective 30 days after they are published in the FEDERAL REGISTER.

Issued at Washington, D. C., this 13th day of May 1944.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

I concur:

GROVER B. HILL,
First Assistant
War Food Administrator.

[F. R. Doc. 44-6915; Filed, May 15, 1944; 11:20 a. m.]

Chapter X—War Food Administration (Production Orders)

[WFO 99]

PART 1220—FEED

USE OF VITAMIN A IN MIXED FEED

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of vitamin A 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:

§ 1220.11 *Use of vitamin A in mixed feed*—(a) *Restrictions on the use of vitamin A in mixed feed.* No person shall use, deliver, sell, manufacture or prepare any mixed feed that contains more vitamin A supplied by or derived from fish oil, fish-viscera oil or fish-liver oil than the following quantities:

	U. S. P. XII units per pound
(1) Starting feeds for chickens and other poultry, except turkeys	1,500
(2) Other starting feeds for chickens and other poultry, except turkeys (in the form to be consumed)	1,500
(3) All-mash starting feeds for turkeys	3,000
(4) Other starting feeds for turkeys (in the form to be consumed)	3,000
(5) All-mash broiler feeds	1,500
(6) Other broiler feeds (in the form to be consumed)	1,500
(7) All-mash growing feeds for chickens and other poultry, except turkeys	1,800
(8) Other growing feeds for chickens and other poultry, except turkeys (in the form to be consumed)	1,800
(9) All-mash growing feeds for turkeys	3,000
(10) Other growing feeds for turkeys (in the form to be consumed)	3,000
(11) All-mash laying and breeding feeds for chickens and all other poultry, including turkeys	3,000
(12) Other laying and breeding feeds for chickens and all other poultry, including turkeys (in the form to be consumed)	3,000
(13) Mixed feed for calves (in the form to be consumed)	4,000
(14) Mixed feed for dogs and furbearing animals (in the form to be consumed)	3,000
(15) All other mixed feed (in the form to be consumed)	2,000

The restrictions of this paragraph shall not apply to any mixed feed manufactured or prepared prior to the publication of this order in the FEDERAL REGISTER.

(b) *Records and reports.* Each feed manufacturer, feed mixer, custom feed mixer, feed distributor or feed dealer who purchased, or used, or sold or had on hand any fish oil, fish-viscera oil or fish-liver oil in the first five months of 1944 shall make a report to the Director on Form FP 7, on or before June 15, provided the quantity of such oil exceeds 400 pounds (or approximately 52 gallons). In addition, the Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

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

(1) "Vitamin A" means pre-formed vitamin A, and does not mean the provitamins A such as the carotenes and cryptoxanthin.

(2) "Fish oil" means any oil containing vitamin A derived, extracted or processed from fish, including whole-fish oil and fish-body oil, but not including fish-viscera oil or fish-liver oil.

(3) "Fish-viscera oil" means any oil containing vitamin A derived, extracted or processed from the viscera of fish.

(4) "Fish-liver oil" means any oil containing vitamin A derived, extracted or processed from the livers of fish.

(5) "Mixed feed" means any mixture or combination of two or more natural or artificial feedstuffs used or intended for use in feeding livestock, poultry, furbearing or other animals.

(6) "Feedstuff" means any material or substance used or intended for use in the feeding of livestock, poultry, furbearing animals or other animals for any purpose whatever.

(7) "Director" means the Director of Production, War Food Administration.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of vitamin A supplied by or derived from fish oil, fish-viscera oil or fish-liver oil, of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* In accordance with the applicable procedure, any person who violates any provision of this order may be prohibited from receiving, making any deliveries of, or using vitamin A supplied by or derived from fish oil, fish-viscera oil or fish-liver oil or any other material subject to priority or allocation control by any government agency. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Production, War Food Administration, Washington 25, D. C., Ref. WFO 99.

NOTE: All reporting and record keeping requirements of this order have been approved by, and subsequent reporting and record keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; 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)

Issued this 15th day of May 1944.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 44-6914; Filed, May 15, 1944; 11:19 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 79-73, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN DIEGO, CALIF., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-73 (8 F.R. 14367, 9 F.R. 4319), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the San Diego, California, milk sales area, is hereby amended by deleting therefrom the numeral "0.005" in § 1401.85 (o) and inserting, in lieu thereof, the numeral "0.00".

The provisions of this amendment shall be effective as of 12:01 a. m., e. w. t., April 1, 1944. With respect to violations of said War Food Order No. 79-73, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79-73 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783, WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 11th day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6836; Filed, May 12, 1944; 1:20 p. m.]

[WFO 79-75, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN LOS ANGELES, CALIF., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-75 (8 F.R. 14370, 9 F.R. 4319), relative to the conservation and distribution of fluid

milk, milk byproducts, and cream in the Los Angeles, California, metropolitan milk sales area, is hereby amended by deleting therefrom the numeral "0.005" in § 1401.87 (o) and inserting, in lieu thereof, the numeral "0.00".

The provisions of this amendment shall be effective as of 12:01 a. m., e. w. t., April 1, 1944. With respect to violations of said War Food Order No. 79–75, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79–75 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 11th day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6837; Filed, May 12, 1944; 1:20 p. m.]

[WFO 75-2, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

War Food Order No. 75–2 (8 F.R. 11325, 9 F.R. 4319), § 1410.18 is amended by striking the figure "40" in (b) (1) (i) and (b) (1) (ii) and inserting in lieu thereof the figure "35".

This order shall become effective at 12:01 a. m., e. w. t., May 15, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 75–2 prior to the effective date of this amendment, all provisions of War Food Order No. 75–2 in effect prior hereto shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(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; WFO 75, 8 F.R. 11119, 9 F.R. 4319)

Issued this 10th day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6782; Filed, May 11, 1944; 12:21 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

Section 78.2 (h) (1) (8 F.R. 15482, 9 F.R. 3417) is amended as follows:

§ 78.2 *To whom decorations awarded.* * * *

(h) *Purple Heart.* (1) (i) * * *

(ii) In connection with the definition of "wound" above, the word "element" refers to weather and permits award to personnel severly frostbitten while actually engaged in combat. Trench foot will not be considered as meriting award. The phrase "at the same instant" is intended to prevent duplicate awards of the Purple Heart for two or more injuries or wounds received from one missile, force, explosion, or agent. A wounded soldier's unsupported statement may be accepted in unusual or extenuating circumstances when, in the opinion of the officer making the award, no corroborative evidence is obtainable. However, the statement will be substantiated if possible. (40 Stat. 870–872, 41 Stat. 398, 44 Stat. 789; 10 U.S.C. 1403, 1409, 1411, 1429) [Par. 16, AR 600–45, 22 Sept. 1943, as amended by C 4, 25 May 1944]

* * * * *

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

[F. R. Doc. 44-6859; Filed, May 13, 1944; 10:59 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4606]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL CREPE PAPER ASSOCIATION OF AMERICA, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce of crepe paper, and on the part of respondent Association, its secretary and manager, eight corporate manufacturers, members or former members thereof, and their officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties to the proceeding, to (1) establish or maintain uniform prices for crepe paper, or in any manner agreeing upon, fixing, or maintaining any prices at which crepe paper is to be sold; (2) establish or maintain delivered price zones or price differentials between or among such zones; (3) establish or maintain classifications of customers or prospective customers for pricing purposes; (4) adopt or maintain uniform standards governing creping ratios, sizes, or weights of crepe paper, or the sale of seconds or close-outs, with the purpose or effect of establishing or maintaining, or assisting in the establishing or maintaining of, uniform prices for crepe paper; (5) file with respondent Association or respondent George J. Lincoln, Jr., or with any other agency or person, copies of invoices, or price lists showing current or future prices for crepe paper; or (6) engage in any act or practice substantially similar to those set out in this order with the purpose or effect of establishing or maintaining uniform prices for crepe paper; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Crepe Paper Association of America, et al., Docket 4606, April 22, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of April, A. D. 1944.

In the Matter of National Crepe Paper Association of America, an Unincorporated Trade Association; George J. Lincoln, Jr., as Secretary and Manager of National Crepe Paper Association of America; American Tissue Mills, a Corporation, Charles T. Bainbridge's Sons, a Corporation, Fort Howard Paper Company, a Corporation, The Papyrus Company, a Corporation, C. A. Reed Company, a Corporation, and The Tuttle Press Company, a Corporation, All Members, Respectively, of National Crepe Paper Association of America; Dennison Manufacturing Company, a Corporation; and The Reyburn Manufacturing Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, National Crepe Paper Association of America, an unincorporated association, George J. Lincoln, Jr., as Secretary and Manager of said Association, American Tissue Mills, Charles T. Bainbridge's Sons, Fort Howard Paper Company, The Papyrus Company, C. A. Reed Company, The Tuttle Press Company, Dennison Manufacturing Company, and The Reyburn Manufacturing Company, corporations, and respondents' officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of crepe paper in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties to this proceeding, to do or perform any of the following acts or things:

1. Establishing or maintaining uniform prices for crepe paper, or in any manner agreeing upon, fixing, or main-

taining any prices at which crepe paper is to be sold.

2. Establishing or maintaining delivered price zones or price differentials between or among such zones.

3. Establishing or maintaining classifications of customers or prospective customers for pricing purposes.

4. Adopting or maintaining uniform standards governing creping ratios, sizes, or weights of crepe paper, or the sale of seconds or close-outs, with the purpose or effect of establishing or maintaining, or assisting in the establishing or maintaining of, uniform prices for crepe paper.

5. Filing with respondent National Crepe Paper Association of America or respondent George J. Lincoln, Jr., or with any other agency or person, copies of invoices, or price lists showing current or future prices for crepe paper.

6. Engaging in any act or practice substantially similar to those set out in this order with the purpose or effect of establishing or maintaining uniform prices for crepe paper.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-6855; Filed, May 13, 1944; 11:00 a. m.]

[Docket No. 4956]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN CHEMICAL COMPANY

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer, etc., in commerce, of respondent's "Flexo", or any other similar product, representing directly or by implication that said product (1) is a safe or dependable anti-freeze preparation for use in the cooling systems of automobile engines; (2) is a superior type of anti-freeze preparation; (3) will protect the cooling systems of automobile engines against corrosion, rust, or other deterioration; (4) will not cause rust, corrosion, or other damage to the cooling systems of automobile engines or damage to such engines or to radiators or hose connections or the exterior finish of automobiles; (5) will not evaporate in use or clog passages in the cooling systems of automobile engines; and (6) will not injure, rust, or corrode aluminum, brass, copper, iron, or other metals, or injure the rubber parts of the cooling systems of automobile engines; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, American Chemical Company, Docket 4956, April 25, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by the respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, American Chemical Company, a corporation, and its officers, representatives, agents, and employees directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of its product designated "Flexo" or any other product of substantially similar composition, whether sold under the same name or under any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That said product is a safe or dependable anti-freeze preparation for use in the cooling systems of automobile engines.

2. That said product is a superior type of anti-freeze preparation.

3. That said product will protect the cooling systems of automobile engines against corrosion, rust, or other deterioration.

4. That said product will not cause rust, corrosion, or other damage to the cooling systems of automobile engines or damage to such engines or to radiators or hose connections or the exterior finish of automobiles.

5. That said product will not evaporate in use or clog passages in the cooling systems of automobile engines.

6. That said product will not injure, rust, or corrode aluminum, brass, copper, iron, or other metals, or injure the rubber parts of the cooling systems of automobile engines.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-6856; Filed, May 13, 1944; 11:00 a. m.]

[Docket No. 5016]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALL-WINTER ANTI-FREEZE COMPANY

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's "All-Winter Anti-Freeze" and "Chem-A-Cool," or any other similar product, (1) using the term "Anti-Freeze," or any other term of similar import, to designate, describe, or refer to respondent's product; or otherwise representing, directly or by implication, that respondent's product is an effective anti-freeze solution; (2) representing, directly or by implication, that respondent's product affords protection to automotive cooling systems or engines against freezing; (3) representing, directly or by implication, that respondent's product is dependable or safe for use; and (4) advertising, offering for sale, or selling respondent's product without clearly and conspicuously disclosing that the use of said product in an automotive vehicle may cause serious corrosion of parts of the cooling system and motor; stoppage of water passages, particularly in the radiator, with resultant overheating; and a short circuit in the ignition system, necessitating the replacement thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, All-Winter Anti-Freeze Company, Docket 5016, April 25, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1944.

In the Matter of D. E. Hamiel, an Individual Trading as All-Winter Anti-Freeze Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent), testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, D. E. Hamiel, individually and trading as All-Winter Anti-Freeze Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution

in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product designated "All-Winter Anti-Freeze" and "Chem-A-Cool," or any other product of substantially similar composition, do forthwith cease and desist from:

1. Using the term "Anti-Freeze," or any other term of similar import, to designate, describe, or refer to respondent's product; or otherwise representing, directly or by implication, that respondent's product is an effective anti-freeze solution.

2. Representing, directly or by implication, that respondent's product affords protection to automotive cooling systems or engines against freezing.

3. Representing, directly or by implication, that respondent's product is dependable or safe for use.

4. Advertising, offering for sale, or selling respondent's product without clearly and conspicuously disclosing that the use of said product in an automotive vehicle may cause serious corrosion of parts of the cooling system and motor; stoppage of water passages, particularly in the radiator, with resultant overheating; and a short circuit in the ignition system, necessitating the replacement thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-6857; Filed, May 13, 1944; 11:00 a. m.]

[Docket No. 5115]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GENERAL BAKING COMPANY

§ 3.45 (c) *Discriminating in price—Direct discrimination—Compensatory payments.* In connection with the distribution and sale in commerce, of "Bond Bread" or any other brand, type, or grade of bakery bread or other bakery products, paying, giving, allowing, or contracting to pay, give, or allow anything of value to or for the benefit of some of respondent's customers for advertising services furnished by such customers without making such payments or allowances available to all competing customers on proportionally equal terms; prohibited. (Sec. 2 (d), 49 Stat. 1527; 15 U.S.C., sec. 13d) [Cease and desist order, General Baking Company, Docket 5115, April 25, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1944.

In the Matter of General Baking Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondent's answer, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated and is violating the provisions of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act:

It is ordered, That the respondent, General Baking Company, a corporation, and its officers, representatives, agents, and employees, in connection with the distribution and sale in commerce, as "commerce" is defined in the Clayton Act, of "Bond Bread" or any other brand, type, or grade of bakery bread or other bakery products, do forthwith cease and desist from:

Paying, giving, allowing, or contracting to pay, give, or allow anything of value to or for the benefit of some of its customers for advertising services furnished by such customers without making such payments or allowances available to all competing customers on proportionally equal terms.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-6858; Filed, May 13, 1944; 11:01 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5369]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MUTUAL FIRE INSURANCE COMPANIES ISSUING PERPETUAL POLICIES

Regulations 111, amended to conform to section 135 of the Revenue Act of 1943, relating to mutual fire insurance companies issuing perpetual policies.

In order to conform Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cum. Supp.) to section 135 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.204–1 the following:

SEC. 135. MUTUAL FIRE INSURANCE COMPANIES ISSUING PERPETUAL POLICIES. (Revenue Act of 1943, Title I.)

(a) *Taxability under section 204.* Section 204 (a) (relating to tax on insurance companies other than life or mutual) is amended as follows:

(1) By inserting in paragraph (1) after "every mutual marine insurance company" the following: "and every mutual fire insurance company exclusively issuing either perpetual policies, or policies for which the sole premium charged is a single deposit which (except for such deduction of underwriting costs as may be provided) is refundable upon cancellation or expiration of the policy";

(2) By inserting in paragraph (2) after "a foreign mutual marine insurance company" the following: "and a foreign mutual fire insurance company described in paragraph (1) of this subsection"; and

(3) By inserting in paragraph (3) after "foreign mutual marine insurance companies" the following: "and foreign mutual fire insurance companies described in paragraph (1) of this subsection".

(b) *Gross income.* Section 204 (b) (1) (relating to a definition of gross income) is amended by inserting after the semicolon at the end thereof, the following: "except that in the case of a mutual fire insurance company described in paragraph (1) of subsection (a) of this section, the amount of single deposit premiums paid to such company shall not be included in gross income;".

(c) *Dividends.* Section 204 (c) (11) (relating to deduction of dividends paid or declared) as amended by striking out the period at the end of the first sentence thereof, and inserting the following: ", except in the case of a mutual fire insurance company described in paragraph (1) of subsection (a) of this section.".

* * * * *

(f) *Taxable years to which applicable.* The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1941.

PAR. 2. The heading and the first sentence of § 29.204–1 are amended to read as follows:

§ 29.204–1 *Tax on insurance companies other than life or mutual and mutual marine insurance companies and mutual fire insurance companies issuing perpetual policies.* All insurance companies, other than life or mutual or foreign insurance companies not carrying on an insurance business within the United States, and all mutual marine insurance companies and mutual fire insurance companies exclusively issuing either perpetual policies, or policies for which the sole premium charged is a single deposit which, except for such deduction of underwriting costs as may be provided, is refundable upon cancellation or expiration of the policy, are subject to the tax imposed by section 204.

PAR. 3. The heading and the first sentence of § 29.204–2 are amended to read as follows:

§ 29.204–2 *Gross income.* Gross income as defined in section 204 (b) means the gross amount of income earned during the taxable year from interest, dividends, rents, and premium income, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners, as well as the gain derived from the sale or other disposition of property, and all other items constituting gross income under section 22, except that in the case of a mutual fire insurance company described in § 29.204–1 the amount of single deposit premiums received, but not assessments, shall be excluded from gross income.

PAR. 4. Section 29.204–3 is amended as follows:

(A) The heading is amended to read as follows: *"Deductions."*

(B) The seventh, eighth and ninth sentences of the first paragraph are amended to read as follows:

The deduction is the same as that allowed mutual insurance companies subject to the tax imposed by section 207, see section 207 (b) (4) (F) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in § 29.204–1, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 207, see section 207 (b) (3) and the regulations thereunder.

PAR. 5. There is inserted immediately preceding § 29.207–1 the following:

SEC. 135. MUTUAL FIRE INSURANCE COMPANIES ISSUING PERPETUAL POLICIES. (Revenue Act of 1943, Title I.)

* * * * * *

(d) *Nontaxability under section 207.* Section 207 (a) (relating to tax on mutual insurance companies other than life or marine) is amended by inserting after "other than a life or a marine insurance company" and after "other than a life or marine insurance company", wherever appearing therein, the following: "or a fire insurance company subject to the tax imposed by section 204".

(e) *Real estate; bond premium and discount.* Subsections (c) and (d) of section 207 are amended by striking out "other than life and marine", wherever appearing therein, and inserting in lieu thereof the following: "subject to the tax imposed by this section".

(f) *Taxable years to which applicable.* The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1941.

PAR. 6. Section 29.207–1 is amended as follows:

(A) The heading and the first sentence of the first paragraph are amended to read as follows:

§ 29.207–1 *Tax on mutual insurance companies other than life or marine or fire insurance companies subject to the tax imposed by section 204.* All mutual insurance companies, including foreign insurance companies carrying on an insurance business within the United States, not taxable under sections 201 or 204 and not specifically exempt under the provisions of section 101 (11), are subject to the tax imposed by section 207 (a) on their investment income or on their gross income, whichever tax is the greater, except interinsurers and reciprocal underwriters which are taxed only on their investment income.

(B) The second, third and fifth paragraphs are amended by striking out "other than life or marine" wherever appearing therein, and inserting in lieu thereof the following: "subject to the tax imposed by section 207".

(C) The fourth paragraph is amended by striking out "other than life or marine".

(D) Example (3) is amended by inserting after "a mutual fire insurance company" the following: "subject to the tax imposed by section 207".

PAR. 7. Section 29.207–4 is amended as follows:

(A) Paragraph (a) is amended by striking out "other than life or marine" wherever appearing therein, and inserting in lieu thereof the following: "subject to the tax imposed by section 207".

(B) Paragraph (b) is amended by striking out "of a mutual insurance company other than life or marine".

(C) Example (1) is amended by inserting after "a mutual fire insurance company" the following: "subject to the tax imposed by section 207".

PAR. 8. Section 29.207–5 is amended by striking out "other than life or marine" and inserting in lieu thereof the following: "subject to the tax imposed by section 207".

PAR. 9. Section 29.207–6 is amended by striking out "other than life or marine" wherever appearing therein, and inserting in lieu thereof the following: "subject to the tax imposed by section 207".

(Sec. 135, Revenue Act of 1943 (Pub. Law 235, 78th Cong.), enacted Feb. 25, 1944, and sec. 62, Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62))

JOSEPH D. NUNAN, Jr.
Commissioner of Internal Revenue.

Approved: May 11, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44–6839; Filed, May 12, 1944; 1:50 p. m.]

[T. D. 5370]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ADJUSTMENT OF BASIS AS RESULT OF CANCELLATION OF INDEBTEDNESS

Amending Regulations 111 to conform to section 122 of the Revenue Act of 1943, relating to adjustment of basis as result of cancellation of indebtedness in a proceeding under section 77B of the Bankruptcy Act, as amended.

In order to conform Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cum. Supp.) to section 122 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after § 29.113 (b) (3)–2 the following:

SEC. 122. REORGANIZATION BY ADJUSTMENT OF CAPITAL STRUCTURE PRIOR TO SEPTEMBER 22, 1938. (Revenue Act of 1943.)

(a) *In general.* Section 113 (b) (relating to adjustments to the basis of property) is amended by inserting at the end thereof the following:

(4) *Adjustment of capital structure prior to September 22, 1938.* Where a plan of reorganization of a corporation, approved by the court in a proceeding under section 77B of the National Bankruptcy Act, as amended, is consummated by adjustment of the capital or debt structure of such corporation without the transfer of its assets to another corporation, and a final judgment or decree in such proceeding has been entered prior to September 22, 1938, then the provisions of section 270 of the National Bankruptcy Act, as amended, shall not apply in respect of the property of such corporation. For the purposes of this paragraph the term "reorganization" shall not be limited by the definition of such term in section 112 (g).

(b) *Taxable years to which applicable.* A provision having the effect of the amendment made by subsection (a) shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1935.

§ 29.113 (b) (4)–1 *Adjusted basis: Exception to section 270 of the Bankruptcy Act, as amended.* The adjustment to basis provided by section 270 of the Bankruptcy Act of 1898, as amended, and §§ 29.113 (b) (1)–2 and 29.113 (b) (1)–3 of these regulations shall not be made if, in a proceeding under section 77B of such act, indebtedness was canceled in pursuance of a plan of reorganization which was consummated by adjustment of the capital or debt structure of the insolvent corporation, and the final judgment or decree in such proceeding was entered prior to September 22, 1938. Section 113 (b) (4) and this section do not apply if the plan of reorganization under section 77B was consummated by the transfer of assets of the insolvent corporation to another corporation.

PAR. 2. Regulations 103 and prior income tax regulations are amended by incorporating therein the provisions of § 29.113 (b) (4)–1 of Regulations 111 to the extent necessary to accord with section 122 of the Revenue Act of 1943 as applicable to years beginning prior to January 1, 1942, and after December 31, 1935.

(Sec. 62, Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), corresponding provisions of prior revenue laws, and sec. 122, Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: May 11, 1944,

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44–6840; Filed, May 12, 1944; 1:50 p. m.]

[T. D. 5371]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF NET INCOME

Regulations 111 amended to conform to sections 109, 111, 114, and 115 of the Revenue Act of 1943, relating to exclusion from gross income of certain mustering-out payments, denial of deduction for certain Federal excise taxes, deduction for corporate contributions to veterans' organizations, and special deduction for the blind.

In order to conform Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cum. Supp.) to sections 109, 111, 114, and 115 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after § 29.22 (b) (13)–1 the following:

SEC. 109. EXCLUSION FROM GROSS INCOME OF MUSTERING-OUT PAYMENTS FOR MILITARY AND NAVAL PERSONNEL. (Revenue Act of 1943, Title I.)

Section 22 (b) (relating to exclusions from gross income) is amended by inserting at the end thereof the following:

(14) *Mustering-out payments for military and naval personnel.* Amounts received during the taxable year as mustering-out payments with respect to service in the military or naval forces of the United States.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

§ 29.22 (b) (14)–1 *Mustering-out payments of military and naval forces.* The exclusion from gross income under section 22 (b) (14) of mustering-out payments with respect to service in the military and naval forces applies only with respect to taxable years beginning after December 31, 1943. For the purposes of such exclusion mustering-out payments are payments made to any recipients pursuant to the provisions of the Mustering-Out Payment Act of 1944.

PAR. 2. There is inserted immediately preceding § 29.23 (c)–1 the following:

SEC. 111. DENIAL OF DEDUCTION FOR FEDERAL EXCISE TAXES NOT DEDUCTIBLE UNDER SECTION 23 (a). (Revenue Act of 1943, Title I.)

Section 23 (c) (1) (relating to deduction of taxes in computing net income) is amended (a) by striking out "and" at the end of subparagraph (D); (b) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and (c) by inserting at the end thereof the following:

(F) Federal import duties, and Federal excise and stamp taxes (not described in subparagraph (A), (B), (D), or (E)), but this subsection shall not prevent such duties and taxes from being deducted under subsection (a).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

PAR. 3. Section 29.23 (c)–2 is amended as follows:

§ 29.23 (c)–2 *Federal duties and excise taxes.* Federal import or tariff duties, business, license, privilege, excise, and stamp taxes, not described in subparagraph (A), (B), (D), or (E) of section 23 (c), paid or accrued within the taxable year are deductible as taxes, except for taxable years beginning after December 31, 1943, provided they are not added to and made a part of the expenses of the business or the cost of articles of merchandise with respect to which they are paid, in which case they cannot be separately deducted. The fact that such taxes are not deductible as taxes under section 23 (c) for taxable years beginning after December 31, 1943, does not prevent a deduction therefor under section 23 (a) provided they represent ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, or, in the case of an individual, for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income. (See § 29.23 (a)–1.)

PAR. 4. There is inserted immediately preceding § 29.23 (q)–1 the following:

SEC. 114. CORPORATE CONTRIBUTIONS TO VETERANS' ORGANIZATIONS. (Revenue Act of 1943, Title I.)

Section 23 (q) (relating to charitable and other contributions by corporations) is amended (a) by inserting "veteran rehabilitation service," after "scientific," in paragraph (2), (b) by inserting "or" at the end of paragraph (2), and (c) by inserting after paragraph (2) the following new paragraph:

(3) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inure to the benefit of any private shareholder or individual;

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

PAR. 5. Section 29.23 (q)–1 is amended by striking the first sentence and inserting in lieu thereof the following:

A corporation may, subject to the limitations provided by section 23 (q), deduct from its gross income contributions or gifts to organizations described in section 23 (q), except in computing net income for taxable years beginning before January 1, 1944, contributions or gifts to organizations organized and operated exclusively for veterans' rehabilitation services, or posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations are not deductible unless such contributions qualify as deductions under section 23 (q) prior to its amendment by section 114 of the Revenue Act of 1943. (See § 29.22 (b) (4)–1 for definition of "political subdivision".)

PAR. 6. There is inserted immediately after § 29.23 (x)–1 the following:

SEC. 115. SPECIAL DEDUCTION FOR BLIND. (Revenue Act of 1943, Title I.)

Section 23 (relating to deductions in computing net income) is amended by inserting after section 23 (x) the following:

(y) *Special deduction for blind individuals*—(1) *In general.* In the case of a blind individual, $500. For the purposes of this subsection, the status of the individual, insofar as it effects the application of this subsection to such individual, shall be determined as of July 1 of the taxable year, unless the taxable year does not include July 1, in which case such status shall be determined as of the last day of the taxable year.

(2) *Definition.* For the purposes of this subsection, the term "blind individual" means an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

§ 29.23 (y)–1 *Special deduction for blind individuals.* For taxable years beginning after December 31, 1943, a special deduction from gross income of $500 is allowed under the provisions of section 23 (y) to all blind individuals who qualify as such at any time on July 1 of the taxable year or, if the taxable year does not include July 1, on the last day of such taxable year. The term "blind individual" is defined in section 23 (y) (2). The deduction is allowable only if the taxpayer himself is the blind individual and is not allowable, e. g., in respect of a dependent who is blind. In the case of a joint return, if both husband and wife are blind individuals, a deduction of $1,000 is allowable, but if only the husband or wife is a blind individual, only $500 may be deducted. The special deduction provided in section 23 (y), however, is in addition to the personal exemption, the credit for dependents, and all other allowable deductions.

An individual claiming the special deduction provided in section 23 (y) should, if not totally blind as of the status determination date, that is, as of July 1 of the taxable year or, if the taxable year does not include July 1, as of the last day of such taxable year, attach to his return a certificate from a physician skilled in the diseases of the eye or a registered optometrist showing in detail the condition of his eyes as of the status determination date. If he is totally blind as of the status determination date, that is, if he cannot distinguish light from darkness, he should attach to his return a statement setting forth such fact.

(Sec. 62, Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62) and secs. 109, 111, 114, and 115, Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: May 11, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44–6841; Filed, May 12, 1944; 1:50 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

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 903—DELEGATIONS OF AUTHORITY

[Directive 31, as Amended May 15, 1944]

PREFERENCE RATING AUTHORITY OF THE ARMY AND NAVY MUNITIONS BOARD

§ 903.44 *Directive 31*—(a) *Purpose.* The purpose of this directive is to delegate to and define the authority of the Army and Navy Munitions Board with

respect to the assignment of preference ratings.

(b) *Priorities Directives of the Army and Navy Munitions Board.* The Army and Navy Munitions Board, with the concurrence of the War Production Board, may establish schedules of preference ratings within limits prescribed by WPB Program Determinations in the form of ANMB Priorities Directives covering contracts, purchase orders and other similar procurement documents for the delivery of materials to or for the account of:

(1) The Army (including the Panama Canal) and the Navy (including the Marine Corps and the Coast Guard). This does not include material procured by any of the above under the Act of March 11, 1941 (Lend-Lease Act) which is not for the direct use of the armed services of a foreign country.

(2) U. S. Army and Marine Corps Post Exchanges; U. S. Navy and Coast Guard Ship's Service Departments; War Shipping Administration Training Organization Ship's Service activities.

(3) The following agencies of the Federal Government: Coast and Geodetic Survey; National Advisory Committee on Aeronautics; Civil Aeronautics Administration; Selective Service System; Office of Scientific Research and Development; Office of Strategic Services; Maritime Commission; War Shipping Administration; Weather Bureau; U. S. Soldiers Home (Washington, D. C.).

(4) American Red Cross and United Service Organizations, Inc., activities directly connected with military personnel.

(5) Foreign governments, for the procurement of material on a cash basis for the use of their armed services.

(6) Appropriate State officials, for the purchase of State Guard uniforms.

(7) Institutions and schools training military personnel under supervision of the military.

(8) Units of the Reserve Officers Training Corps, for the purchase of uniforms for trainees.

(c) *Deliveries which may be rated.* The Army and Navy Munitions Board may assign preference ratings to:

(1) Deliveries in fulfillment of contracts and purchase orders of the kinds described in paragraph (b), including deliveries of material to be incorporated in command construction, Engineers Corps construction, Panama Canal construction or CAA construction (see subparagraphs (3), (4), (5) and (6) below).

(2) Deliveries of machine tools or other capital equipment to prime contractors or subcontractors to produce items being procured under a prime Army or Navy contract. Directive 23 (§ 903.35) requires War Production Board approval of ratings assigned for machine tools and other capital equipment.

(3) Command construction; that is, the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy: air fields; military housing; alien housing; facilities for the repair of finished items of munitions; overseas or theatre of operations construction; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than $100,000; military hospitals; maneuver, training and staging areas and proving grounds.

(4) Engineers Corps construction; that is, projects which (i) have been determined by the War Production Board to be essential, (ii) are built by or under the supervision of the Corps of Engineers (and where appropriate, completed by the Army Air Forces) in accordance with a design directive approved by an authorized representative of the War Production Board and (iii) will be owned, leased, maintained or operated by or under the direction of the War Department, and financed by War Department funds.

(5) Panama Canal construction; that is, projects (other than command construction) which are owned by the Panama Canal.

(6) CAA construction; that is, (i) projects for the construction of airports financed under the appropriation for "Development of Landing Areas for National Defense" (Public Law 528, 77th Congress, 2nd Session) and which (*a*) have been determined by the War Production Board to be essential, (*b*) are built under the supervision of the Army, Navy or Civil Aeronautics Administration, and (*c*) are built in accordance with specifications of the Bureau of Yards and Docks, U. S. Navy, or the Corps of Engineers, U. S. Army; and (ii) projects for the construction of the following airway facilities requested by the Army or Navy and financed from Civil Aeronautics Administration, Army or Navy appropriations: (*a*) Intermediate landing fields to be operated by and situated on property owned or leased by the U. S. Government; (*b*) airway lighted aids, that is, automatically operated lighted aids to contact flight operations on a designated flying route between airfields; (*c*) radio facilities, that is, radio transmitting stations producing identifying signals received by aircraft in flight; and (*d*) communication facilities, that is, facilities to collect and disseminate weather reports and maintain two-way communications with aircraft in flight or with other stations.

(7) Maritime MRO; that is (i) deliveries of materials and equipment immediately required for the maintenance, repair and operation of ships and other property directly related to ships and shipping, including all watercraft, other than pleasure craft, stevedoring equipment, equipment used in the operation of marine terminals, plant equipment of shipyards and ship repair yards and facilities; and (ii) deliveries of materials immediately required for maintenance, repair and operating supplies for neutral ships in ports of the United States, after clearance of the vessels' status has been made with the Foreign Economic Administration.

(d) *Redelegation of authority to assign ratings.* The authority delegated to the Army and Navy Munitions Board in paragraph (c) may be redelegated by that Board, either directly or through channels, to procurement, contracting and inspecting officials or other authorized officials of the Army and Navy and to the agencies enumerated in paragraph (b) and officials thereof. However, the authority delegated in subparagraph (c) (7) may be redelegated by the Army and Navy Munitions Board only to the United States Maritime Commission or War Shipping Administration and officials thereof. Any general instructions regarding the assignment of ratings which are issued by the Army and Navy Munitions Board shall be approved before issuance by the War Production Board. Approval of specific adjustments made by ANMB within the limits prescribed by WPB Program Determinations is not required.

(e) *Method of assigning ratings.* (1) A preference rating assigned to a production schedule at the time that allotments are made and the schedule is authorized under the Controlled Materials Plan shall be assigned on an allotment form, on Form WPB–542 (formerly PD–3A), or as prescribed in subparagraph (3) below.

(2) All other preference ratings assigned under this directive shall be assigned on Form WPB–542 (formerly PD–3A) or as prescribed in subparagraph (3) below.

(3) When any government agency mentioned in paragraph (b) assigns a preference rating to deliveries to be made to it or for its account, it may do so by placing the rating on the purchase order or contract and endorsing the order or contract with a certification substantially as follows: "By authority of the War Production Board the preference ratings indicated are assigned to the deliveries on this purchase order or contract." This certification may be placed on a purchase order or contract by means of a rubber stamp or printed on the order or contract form. The certification need not be signed separately if the purchase order or contract is signed by an official who is authorized to assign ratings on behalf of the agency which is placing the order or contract. This method of assigning a rating may not be used when machine tools or capital equipment are ordered by prime or subcontractors, even if the delivery is for the account of the government agency assigning the rating. All provisions of War Production Board orders or regulations applicable to Form WPB–542 (formerly PD–3A) including approval of ratings required by Directive 23, shall be applicable

to purchase orders and contracts rated under this subparagraph.

(4) Reratings may be issued or effected within WPB program determinations in the manner prescribed by Priorities Regulation 12.

NOTE: Paragraph (5) formerly (4), redesignated May 15, 1944.

(5) Every rating assigned under this directive on a form or certificate shall be assigned in the manner prescribed therein without attaching any further conditions or qualifications.

(f) *Application and extension of ratings.* Ratings assigned under this directive may be applied and extended only in accordance with applicable regulations of the War Production Board.

(g) *Directives and administrative orders superseded.* This directive supersedes Division Administrative Order No. 1 of the Division of Industry Operations, War Production Board, issued February 23, 1942, all amendments thereof and memoranda supplemental thereto, and all delegations of authority to assign preference ratings which have been heretofore issued to the Army and Navy Munitions Board or to any Service of the Army, to the Army Air Forces, or to any Bureau of the Navy.

(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)

Issued this 15th day of May 1944.

WAR PRODUCTION BOARD,
By C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-6924; Filed, May 15, 1944; 11:36 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 32]

PREFERENCE RATING AUTHORITY OF THE UNITED STATES MARITIME COMMISSION AND WAR SHIPPING ADMINISTRATION

§ 903.45 *Directive 32* — (a) *Purpose.* The purpose of this directive is to delegate to and define the authority of the United States Maritime Commission and War Shipping Administration with respect to the assignment of preference ratings for procurement of inventory other than for the direct account of the Maritime Commission or War Shipping Administration.

(b) *Assignment of preference ratings for inventory purposes.* The United States Maritime Commission and War Shipping Administration may assign preference ratings which are specifically prescribed by a Program Determination of the War Production Board, on Form WPB-646 (PD-300) to deliveries of material for inventory purposes (not exceeding a 90-day inventory) to ship repair yards; to ships in service; to ship repair facilities; to river and harbor maintenance facilities; to ship chandlers and other distributors of marine supplies; and to sales and distribution outlets of manufacturers of marine supplies.

(c) *General provisions.* (1) Form WPB-646 (PD-300) assigning preference ratings pursuant to this directive shall be issued in the name of the War Production Board and countersigned by a duly authorized official of the United States Maritime Commission or War Shipping Administration.

(2) The United States Maritime Commission or War Shipping Administration may exercise the authority delegated in this directive through such of its officials as the Chairman of the United States Maritime Commission or Administrator of the War Shipping Administration may determine.

(3) Preference ratings assigned pursuant to this directive may be applied or extended only in accordance with applicable regulations of the War Production Board.

(4) A true copy of every Form WPB-646 (PD-300) on which a rating is assigned pursuant to this directive shall be maintained by the United States Maritime Commission and the War Shipping Administration for inspection by a representative of the War Production Board at any time.

(d) *Revocation of Priorities Directive No. 1.* Priorities Directive No. 1, September 18, 1942, is revoked.

Issued this 15th day of May 1944.

WAR PRODUCTION BOARD,
By C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-6925; Filed, May 15, 1944; 11:36 a. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-548]

SKINNER & KENNEDY STATIONERY CO.

Skinner & Kennedy Stationery Company, 416 North Fourth Street, St. Louis, Missouri, is a Missouri corporation, engaged in the business of manufacturing calendars. In May, 1943, it applied Preference Rating AA-2 MRO to the purchase, and thereafter accepted delivery of 28,000 pounds of steel sheets. This material was to be used, and was carried on the company's books, as production materials and not as operating supplies. This constituted a violation of CMP Regulation No. 5 and Priorities Regulation No. 3. In accepting delivery of the steel sheets, the company's inventory of controlled material became much greater than the quantity of such item of controlled material it was required by its current practices to put into use during the succeeding sixty-day period. This was a violation of CMP Regulation No. 2. The company was familiar with the regulations of the War Production Board, and its violations must be deemed wilful. These violations have interfered with the controls established by the War Production Board for the distribution of critical materials. In view of the foregoing, it is hereby ordered, that:

§ 1010.548 *Suspension Order No. S-548.* (a) Deliveries of steel sheets or steel calendar slides to Skinner & Kennedy Stationery Company, its successors or assigns, shall not be accorded priority over deliveries of such materials under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Skinner & Kennedy Stationery Company, its successors or assigns, of any steel sheets or steel calendar slides, the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Skinner & Kennedy Stationery Company, its successors or assigns, shall not receive or accept delivery of any steel sheets or calendar slides, nor shall any person or firm deliver steel sheets or steel calendar slides to Skinner & Kennedy Stationery Company, its successors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Skinner & Kennedy Stationery Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on May 12, 1944.

Issued this 5th day of May 1944.

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

[F. R. Doc. 44-6838; Filed, May 12, 1944; 1:57 p. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E-6, as Amended May 13, 1944]

HAND SERVICE TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hand service tools and of alloy steel used in their manufacture, 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:

§ 3274.51 *General Preference Order E-6*—(a) *Definitions.* For the purposes of this order:

(1) "Mechanic's hand service tool" means any tool listed on Exhibit A hereto attached which is used by hand, and is made of iron or steel or has a principal component part made of iron or steel.

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

(3) "Producer" means any person engaged in the production of mechanics' hand service tools.

(4) "WPB–547 order" means any order for mechanics' hand service tools now or hereafter placed with a producer by any person acquiring such tools for his own inventory or shelf stock pursuant to a rating assigned on Form WPB–547 (formerly PD–1X).

(5) "Other order" means any purchase order for mechanics' hand service tools except WPB–547 orders.

(6) "Total monthly production" means either.

(i) The total dollar value of each kind of mechanic's hand service tool listed on Exhibit A hereto attached, scheduled to be produced in any given month by a producer, including both special and standard tools of that kind; or

(ii) The total number of units of each kind of mechanic's hand service tool listed on Exhibit A hereto attached, scheduled to be produced in any given month by a producer.

(b) *Restriction on use of steel.* No producer shall manufacture any mechanics' hand service tools out of any alloy steel except those which are in the series specified in Exhibit B hereto attached or except pursuant to specific permission of the War Production Board.

(c) *Allocation of production between WPB–547 orders and other orders.* Commencing with the month of July 1943 and each month thereafter, each producer shall schedule his total monthly production and the delivery thereof as follows:

(1) To the extent that he has WPB–547 orders on hand, he shall schedule between 20 and 25 percent of his total monthly production of each kind of mechanic's hand service tool specified in Exhibit A hereto attached for delivery against WPB–547 orders requiring delivery in such month. No producer shall schedule any order pursuant to this paragraph (c) (1) unless it clearly appears from such order that the rating applied thereto was assigned on Form WPB–547 (formerly PD–1X).

The sequence of deliveries on WPB–547 orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(2) To the extent that he has other orders on hand, he shall schedule between 75 and 80 percent of his total monthly production of each kind of mechanic's hand service tool specified in Exhibit A hereto attached for delivery against other orders requiring delivery in such month.

The sequence of deliveries on other orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(3) Any portion of the percentage allocated to WPB–547 orders which has not been taken up by such orders on or before the fifteenth day of the month preceding the month being scheduled, shall be scheduled for delivery against other orders, and vice versa.

(d) *Necessity for preference ratings and authorizations to place orders.* Notwithstanding any other provisions of this order:

(1) No producer shall sell or deliver any mechanics' hand service tools pursuant to any purchase order placed prior to June 12, 1943 unless such order bears a preference rating of A–9 or higher, nor shall any producer sell or deliver any mechanics' hand service tools pursuant to any purchase order placed subsequent to June 12, 1943 unless such order bears a preference rating of AA–5 or higher, or except pursuant to specific permission of the War Production Board.

(2) [Deleted Feb. 19, 1944]

NOTE: Specific authorization to purchase certain types of mechanics' hand service tools is now required by Table 12 under General Scheduling Order M–293.

(e) *Restrictions on inventory.* On and after June 12, 1943, no person purchasing more than ten mechanics' hand service tools of any kind specified on Exhibit A shall accept delivery of any such tools the delivery of which will effect an increase in his inventory beyond a supply required by his current practices for use or for resale during a sixty-day period. In the event that the provisions of Suppliers' Inventory Limitation Order L–63 as applied to any supplier as defined in that order are more restrictive, such provisions shall govern. The restrictions on inventory contained in this paragraph (e) shall not apply to the following designated types of purchase orders:

(1) Purchase orders for mechanics' hand service tools made pursuant to the purchaser's special design or specifications which are not standard items in the producer's production schedules.

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for mechanics' hand service tools required for bases or supply depots outside the continental United States (comprising the several States and the District of Columbia), or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(f) *Repair parts.* Nothing in this order shall be construed to prevent the sale and delivery of repair parts for mechanics' hand service tools in accordance with applicable regulations and orders of the War Production Board concerning repair parts.

(g) [Revoked Feb. 19, 1944]

(h) *Applicability of General Scheduling Order M–293.* Those mechanics' hand service tools which are listed on the schedule attached to General Scheduling Order M–293 are also subject to the terms and provisions of that order.

(i) *Reports.* Each producer shall execute and file with the War Production Board Form WPB–2057 and such other reports and questionnaires as said Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

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

(l) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington 25, D. C., Ref.: E–6.

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

Issued this 13th day of May 1944.

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

EXHIBIT A

Mechanics' cold chisels and punches.
Metal cutting files.
Machinists' ball pein hammers.
Metal cutting snips and shears.
Pliers, slip joint.
Pliers, solid joint.
Metalworking punches, lever type.
Screw drivers, all types.
Wrenches, socket and driving units.
Wrenches, open end and combination box.
Wrenches, adjustable, 22½° angle.
Wrenches, box.
Wrenches, adjustable auto.
Wrenches, monkey.
Wrenches, pipe.

NOTE: Tools subject to L–53–b are not included herein.

EXHIBIT B

NE 1000 Series with or without Boron or Vanadium addition agents
NE 1300 Series
NE 8600 Series
NE 8700 Series
NE 9200 Series
NE 9400 Series

[F. R. Doc. 44–6860; Filed, May 13, 1944; 11:14 a. m.]

PART 3278—SALVAGE

[Conservation Order M-325, as Amended May 13, 1944]

TINNED AND DETINNED SCRAP

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin and of iron and steel scrap, 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:

§ 3278.1 *Conservation Order M-325*—(a) *Definitions.* For the purposes of this order:

(1) "Tinned scrap" means scrap consisting of tin plate, whether clippings, used tin cans, or in any other form, but excluding used crown or screw caps or similar closures for tin cans or other containers.

(2) "Detinned scrap" means tinned scrap which has been treated by a chemical or electro-chemical detinning process so that it contains not more than $^{3}/_{10}$ of one per cent of tin by weight.

(3) "Tin plate clippings" means tinned scrap consisting of new or reclaimed tin plate, generated in the manufacture of cans, closures, or other articles.

(4) "Flat tinned scrap" means any form of tinned scrap other than used tin cans and tin plate clippings, but includes tin plate sheets recovered from used tin cans or from other articles.

(5) "Tin plate" and "terne plate" shall have the same meanings as in Supplementary Order M-21-e, as amended.

(6) "Official salvage committee" means a municipal or county committee organized to stimulate, supervise and engage in the collection of salvable materials (including tinned scrap) in accordance with policies and programs established from time to time by the Salvage Division of the War Production Board.

(7) "Prepared used tin cans" means tin cans from which the contents have been emptied, the labels and ends removed, have been thoroughly cleaned so as to remove all organic matter, and have their sides flattened.

(b) *Restrictions on tinned scrap and used cans made of terne plate.* Except with specific permission of the War Production Board:

(1) *Iron and steel producers.* No person shall deliver tinned scrap, tinned wire or used cans made of terne plate to a producer of steel or iron products (as defined in Order M-21, as amended), and no such producer shall accept delivery of tinned scrap, tinned wire or used cans made of terne plate.

(2) *Tin plate clippings.* No person shall deliver or accept delivery of tin plate clippings except where delivery is made to an official salvage committee, a detinning plant, or to a broker or dealer for delivery by him in the same form in which he receives them to an official salvage committee or detinning plant.

(3) *Flat tinned scrap.* No person shall use flat tinned scrap in any manufacturing operation; and no person shall deliver or accept delivery of flat tinned scrap except where delivery is made to or for the account of:

(i) A detinning plant or a plant engaged in the precipitation of copper; or

(ii) An official salvage committee or other person for delivery in the same form in which it is received to or for the account of a detinning plant or a plant engaged in the precipitation of copper.

(4) *Used tin cans.* No person shall deliver or accept delivery of used tin cans except where delivery is made to or for the account of a municipal department or agency, an official salvage committee, a shredding or detinning plant, a plant engaged in the precipitation of copper, a smelter engaged in the recovery of tin, or a person regularly engaged in the collection of rubbish or trash. Any person regularly engaged in the collection of rubbish and trash who receives used tin cans shall either deliver them to one of the persons or agencies listed above, or place them in a dump or other established refuse disposal point.

Permission to acquire used tin cans may be granted to other persons by the War Production Board upon such terms and conditions as it may impose. Application for such permission shall be made on Form WPB 2825, or on such other form as may be specified by the War Production Board.

The restrictions of this paragraph (b) (4) shall not apply to deliveries of used tin cans to or for the account of any person for reuse in packing any product.

(5) *Collection, segregation and disposal of used tin cans in counties on Schedule A.* No person (including a municipal department or agency) in any of the counties listed in Schedule A, who is regularly engaged in collecting rubbish or trash shall:

(i) Reject any used tin cans offered him in the usual course of his collection of rubbish or trash;

(ii) Mingle any used tin cans which were segregated at the time of their collection with any other refuse, rubbish or trash;

(iii) Dispose of any segregated used tin cans, collected by him in any manner, other than by delivering such cans to or for the account of:

(*a*) A shredding or detinning plant, a plant engaged in the precipitation of copper or a smelter engaged in the recovery of tin; or

(*b*) A municipal department or agency for delivery by such department or agency to a shredding or detinning plant, to a plant engaged in the precipitation of copper or a smelter engaged in the recovery of tin.

(6) *Collection, segregation and disposal of prepared used tin cans in areas on Schedule B.* No person (including a municipal department or agency) who is regularly engaged in collecting rubbish or trash, within any municipality having a population of 25,000 or more located in any of the areas listed on Schedule B, shall:

(i) Reject any prepared used tin cans offered him in the usual course of his collection of rubbish or trash;

(ii) Mingle any prepared used tin cans which were segregated at the time of their collection with any other refuse, rubbish or trash;

(iii) Dispose of any such segregated and prepared tin cans in any other manner than by delivering such cans to or for the account of a detinning plant.

NOTE: Paragraph (c), formerly (d), redesignated and former paragraph (c) deleted May 13, 1944.

(c) *Miscellaneous provisions*—(1) *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.

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

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Salvage Division, Washington 25, D. C., Ref: M-325.

(4) *Authorizations terminated.* All authorizations under Order M-72-a, which were continued in force as authorizations under this order by the terms of the revocation of M-72-a issued June 16, 1943, are terminated and cancelled as of June 1, 1944. Holders of such authorizations should apply for new authorizations under this order.

Issued this 13th day of May 1944.

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

SCHEDULE A

California: Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Merced, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Ventura, Yolo, Yuba.

New York: Bronx, Kings, New York, Queens, Richmond.

SCHEDULE B

Alabama.
Arkansas.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Illinois.
Indiana.
Iowa.

Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
New Hampshire.
New Jersey.
New York (other than New York City).
North Carolina.
Ohio.
Oklahoma.
Pennsylvania.
Rhode Island.
South Carolina.
Tennessee.
Vermont.
Virginia.
West Virginia.
Wisconsin.

NOTE: Schedule C deleted May 13, 1944.

[F. R. Doc. 44-6861; Filed, May 13, 1944; 11:14 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-374 as Amended May 13, 1944]

BEVERAGE CANE SPIRITS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of industrial alcohol and of sugar, molasses, and grain, and facilities for the production of industrial alcohol, for defense, for private account and for export. The use of such raw materials as sugar, molasses and grain is necessary to the production of industrial alcohol for the manufacture of synthetic rubber and munitions. It is therefore deemed necessary and appropriate in the public interest and to promote the national defense, to allocate facilities for the production of beverage cane spirits (as defined in this order), and to control the importation of beverage cane spirits so as to prevent further uncontrolled diversion of sugar and molasses to the production of these spirits:

§ 3293.616 *Conservation Order M-374* — (a) *Definitions.* (1) "Beverage cane spirits" means ethyl alcohol of 50 proof or higher made from molasses, sugar, sugar cane or sugar cane juice, and produced for beverage purposes or tax paid for beverage purposes. The term includes any solution, compound or mixture containing ethyl alcohol of 50 proof or higher made from molasses, sugar, sugar cane or sugar cane juice, such as, for example, rum, cordials or gin.

(2) "Producer" means any person engaged in the production of beverage cane spirits.

(3) "Import" means to transport in any manner into the continental United States or into Puerto Rico, the Virgin Islands of the United States, or the territories of Hawaii and Alaska, from any foreign country, or from any territory or possession of the United States other than those mentioned above. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for trans-shipment to Canada, Mexico or any other foreign country.

(4) Beverage cane spirits shall be deemed "in transit" if it is afloat, if an on-board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(b) *Restrictions on production of beverage cane spirits.* On and after March 15, 1944, no person shall produce beverage cane spirits except as specifically authorized by the War Production Board. The provisions of this paragraph shall be applicable to the continental United States, Puerto Rico, the Virgin Islands of the United States and the territories of Hawaii and Alaska.

(c) *Restrictions on imports of beverage cane spirits.* On and after March 15, 1944, no person shall import, attempt to import, purchase for import, or make any contract or other arrangement for the importing of any beverage cane spirits without first having obtained authorization to do so from the War Production Board. This paragraph applies to the importation of beverage cane spirits regardless of the existence on March 15, 1944, or thereafter, of any contract or other arrangement for importation.

(d) *Applications for authorization to produce or import.* Any person requiring authorization to produce or import beverage cane spirits may apply by letter, in triplicate, to the War Production Board, stating the amount, by calendar quarter, of beverage cane spirits applicant desires to produce or import. Applicant must also state the amount of beverage cane spirits he has produced or imported, by calendar quarters, during the years 1940, 1941, 1942, 1943 and 1944. All quantities should be expressed in terms of proof gallons. It will be the policy of the War Production Board to permit production or importation of beverage cane spirits to the extent consistent with the fulfillment of requirements of sugar, molasses and industrial alcohol for the defense of the United States.

(e) *Exceptions.* Paragraphs (c) and (d) of this order do not apply:

(1) To beverage cane spirits which, on or before March 15, 1944, were in transit to a point within the continental United States; or

(2) To beverage cane spirits consigned as gifts or as samples, or for use as samples, or imported for personal use, where the quantity of each consignment or shipment is not more than two proof gallons. No person shall split up a single order of beverage cane spirits into smaller orders for the purpose of coming within this exception.

(3) To shipments of beverage cane spirits in bond into the continental United States for trans-shipment to Canada, Mexico or any other foreign country.

(4) To any bank or other person who participates, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after March 15, 1944 of beverage cane spirits, provided such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (d), or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in this paragraph (e).

(f) *Special directives.* The War Production Board may from time to time issue special directives to producers concerning the kind of raw materials which may be used for the production of beverage cane spirits. This paragraph applies only to the continental United States, Puerto Rico, the Virgin Islands of the United States and the territories of Hawaii and Alaska.

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

(h) *Reports.* No beverage cane spirits, which are imported after March 15, 1944, shall be entered through the United States Bureau of Customs for any purpose (other than pursuant to paragraphs (e) (2), (e) (3), and (e) (4) of this order) whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry a certificate in duplicate, stating the following information: (1) Name of importer; (2) Date of bill of lading (this is only necessary if the beverage cane spirits were in transit on or before March 15, 1944); (3) Date and number of importer's WPB authorization; (4) Quantity of beverage cane spirits covered by the entry; (5) Port of entry; (6) Port of origin of shipment. The certificate shall be signed manually by a duly authorized official of the importer or as provided by Priorities Regulation No. 7. The standard form of certification provided in Priorities Regulation No. 7 may not be used instead of the certificate described above. The filing of such certificate a second time shall not be required upon any subsequent entry of the same shipment of beverage cane spirits through the United States Bureau of Customs for any purpose; nor shall the filing of such certificate be required upon the withdrawal of any beverage cane spirits from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of the certificate shall be promptly transmitted by the Collector of Customs to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-374.

(i) *Bureau of the Budget Approval.* The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *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 person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order shall be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–374.

Issued this 13th day of May 1944.

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

[F. R. Doc. 44–6864; Filed, May 13, 1944; 11:14 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L–29, Interpretation 1]

USE OF METAL IN METAL SIGNS AND ACCESSORIES

The following interpretation is issued with respect to Limitation Order L–29:

The provisions of paragraph (b) (3) of Order L–29 prohibit any manufacturer from using metal to produce metal signs or accessories. However, because of the definition in paragraph (a) (7) of the order, the use of metal is restricted only when it is subjected to sign manufacturing operations for the first time. Therefore, Order L–29 does not prohibit using fabricated metal parts and materials in manufacturing metal signs and accessories if they were fabricated for that purpose, but it does prohibit both the use of unfabricated metals and the use of parts or materials which were manufactured for other purposes or for general use. For example, a manufacturer of metal street markers may have in his inventory a supply of sheet metal. Some of that stock may be in the form it was originally purchased from the mill or warehouse, while some may have been stamped, cut to size, punched, or enameled as a step in the manufacturing of street markers. Order L–29 forbids him to use the stock which has not been processed beyond its basic form, but does not restrict his use of the stock which has been partially processed to make street markers. This same manufacturer may also have a stock of ordinary joining hardware (such as screws, nuts and bolts), sign accessories, and some other products made for use in the production and assembly of metal street markers. So far as Order L–29 is concerned, he may use both the accessories, and the products which were made for the production of street markers. He may not use the ordinary screws, nuts and bolts because they were manufactured for general use and have not yet been put into the production of signs.

Furthermore, L–29 does not limit the reuse of metal salvaged from old signs and accessories. It does not matter whether the person who reuses the metal is the same person who originally made the old signs, or someone else.

The restriction on the use of metal in paragraph (b) (3) of Order L–29 relates only to the production of metal signs or accessories and not to other activities of sign manufacturers, such as maintenance, repair, relocation and installation of signs or accessories. For instance, mere repair of a metal sign or accessory is not production; therefore, Order L–29 does not forbid the use of metal for repair purposes. Similarly, installation, such as putting up a sign, or putting an accessory in place, is not considered production and so far as Order L–29 is concerned, metal may be used on the site in the course of installation. It makes no difference whether the person who installs the sign or accessory is also the person who produced it.[1] The use of metal in the alteration of a sign is also not restricted by Order L–29 unless the alteration is so extensive that it results in the production of a new sign.

In accordance with § 944.10 of Priorities Regulation No. 1, other orders of the War Production Board may also limit the production of metal signs and accessories and may restrict them in other ways. If more than one order is applicable to the same subject matter, the most restrictive provision or combination of provisions governs.

Issued this 13th day of May 1944.

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

[F. R. Doc. 44–6863; Filed, May 13, 1944; 11:14 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–526, Revocation]

VOISINE STEEL COMPANY

Section 1010.526 *Suspension Order No. S–526* is hereby revoked, being superseded by Suspension Order No. S–549, effective May 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6890; Filed, May 13, 1944; 4:23 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–535]

AQUADRO & CERUTTI

Mario Aquadro and Oscar J. Cerutti, co-partners, are contractors in Northampton, Massachusetts, doing business as Aquadro & Cerutti. Beginning about June 27, 1943, they participated in the construction of buildings on the fair grounds of the Hampshire, Franklin & Hampden Agricultural Society, a place of public and private amusement and entertainment, in Northampton; the total cost of the project was approximately $31,600. The work, including that done by Aquadro & Cerutti, was done without authorization from the War Production Board, in violation of Conservation Order L–41, which placed a limit of $200 on such construction. Oscar J. Cerutti, who acted for the partnership, was aware of War Production Board restrictions on construction, and participating in this construction without authorization constituted a wilful violation of Order L–41.

This violation of Order L–41 diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.535 *Suspension Order No. S–535.* (a) Deliveries of material to Mario Aquadro and Oscar J. Cerutti, doing business as Aquadro & Cerutti, or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Mario Aquadro and Oscar J. Cerutti, doing business as Aquadro & Cerutti, or otherwise, their successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Mario Aquadro and Oscar J. Cerutti, doing business as Aquadro & Cerutti, or otherwise, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 13, 1944, and shall expire July 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6891; Filed, May 13, 1944; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–536]

SURINER & M'BREEN

Ralph Suriner and Harry L. McBreen, co-partners, doing business as Suriner & McBreen, are in the electrical contracting business in Northampton, Massachusetts. Beginning about July 16, 1943, they did electrical wiring in a new toilet building and other electrical work constituting construction on the fair grounds of the Hampshire, Franklin & Hampden Agricultural Society, a place of public and private amusement and entertainment in Northampton; the total cost of the project was approximately $31,600. The work, including that done by Suriner & McBreen, was done without authorization from the War Production Board, in violation of Conservation Order L–41, which placed a limit of $200 on such construction. Harry L. McBreen, who acted for the partnership, was aware of War Production Board re-

[1] For awhile there was a restriction in L–29 on the use of iron and steel for the installation of metal signs and new accessories, but this was effective only from March 25, 1942, to June 30, 1942.

strictions on construction, and participating in this construction without authorization constituted a grossly negligent violation of Order L–41.

This violation of Order L–41 diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.536 *Suspension Order No. S–536.* (a) Deliveries of material to Ralph Suriner and Harry L. McBreen, doing business as Suriner & McBreen, or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Ralph Suriner and Harry L. McBreen, doing business as Suriner & McBreen, or otherwise, their successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Ralph Suriner and Harry L. McBreen, doing business as Suriner & McBreen, or otherwise, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 13, 1944, and shall expire July 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6892; Filed, May 13, 1944; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–537]

ELWELL AND CHENET

James M. Elwell and Roland Chenet, co-partners, doing business as Elwell & Chenet, are plumbers in Northampton, Massachusetts. Beginning about July 7, 1943, they participated in the construction of buildings on the fair grounds of the Hampshire, Franklin & Hampden Agricultural Society, a place of public and private amusement and entertainment in Northampton; the total cost of the project was approximately $31,600. The work, including that done by Elwell & Chenet, was done without authorization from the War Production Board, in violation of Conservation Order L–41, which placed a limit of $200 on such construction. Roland Chenet, who acted for the partnership, was aware of War Production Board restrictions on construction, and participating in this construction without authorization constituted a grossly negligent violation of Order L–41.

This violation of Order L–41 diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.537 *Suspension Order No. S–537.* (a) Deliveries of material to James M. Elwell and Roland Chenet, doing business as Elwell & Chenet, or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to James M. Elwell and Roland Chenet, doing business as Elwell & Chenet, or otherwise, their successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve James M. Elwell and Roland Chenet, doing business as Elwell & Chenet, or otherwise, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 13, 1944, and shall expire July 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6893; Filed, May 13, 1944; 4:23 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–538]

WARNER N. KING

Warner N. King, of Northampton, Massachusetts, sells paint and is a painting contractor. Beginning about August 3, 1943, he painted the grand stand, horse barn, a fence around the race track, and otherwise participated in the construction of buildings on the fair grounds of the Hampshire, Franklin & Hampden Agricultural Society, a place of public and private amusement and entertainment in Northampton; the total cost of the project was approximately $31,600. The work, including that done by Warner N. King, was done without authorization from the War Production Board, in violation of Conservation Order L–41, which placed a limit of $200 on such construction. Mr. King was aware of War Production Board restrictions on construction, and participating in this construction without authorization constituted a grossly negligent violation of Order L–41.

This violation of Order L–41 diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.538 *Suspension Order No. S–538.* (a) Deliveries of material to Warner N. King, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Warner N. King, his successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Warner N. King, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 13, 1944, and shall expire July 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6894; Filed, May 13, 1944; 4:23 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–539]

EARL J. HINES

Earl J. Hines is a lumber dealer in Conway, Massachusetts. Beginning about July 5, 1943, he sold and delivered approximately $7,000 worth of lumber to the Hampshire, Franklin & Hampden Agricultural Society, for the construction of buildings on its fair grounds, a place of public and private amusement and entertainment in Northampton, Massachusetts. The total cost of the construction was approximately $31,600, and it was done without authorization from the War Production Board, in violation of Conservation Order L–41, which placed a limit of $200 on such construction. Mr. Hines knew that the lumber was to be used in the construction of buildings on the fair grounds, he was familiar with Order L–41, and he furnished the lumber with knowledge that no permission for

the construction had been granted by the War Production Board and that the lumber would be used in violation of the terms of the order. This was a wilful violation of Order L–41.

This violation of Order L–41 diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.539 *Suspension Order No. S–539.* (a) Deliveries of material to Earl J. Hines, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Earl J. Hines, his successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Earl J. Hines, his successors or assigns from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 13, 1944, and shall expire July 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6895; Filed, May 13, 1944; 4:23 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–540]

M. C. BAILEY & CO., INC.

M. C. Bailey & Co., Inc., a corporation, is a lumber dealer in Northampton, Massachusetts. Beginning about July 8, 1943, it sold and delivered approximately $2,200 worth of lumber to the Hampshire, Franklin & Hampden Agricultural Society, for the construction of buildings on its fair grounds, a place of public and private amusement and entertainment in Northampton. The total cost of construction was approximately $31,600, and it was done without authorization from the War Production Board, in violation of Conservation Order L–41, which placed a limit of $200 on such construction. The company knew that the lumber was to be used in the construction of buildings, including a new jockey club building on the fair grounds. It knew of Order L–41, and it had reason to believe that the lumber would be used in violation of the terms of the order. Furnishing lumber under the circumstances constituted a wilful violation of Order L–41.

This violation of Order L–41 diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.540 *Suspension Order No. S–540.* (a) Deliveries of material to M. C. Bailey & Co., Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to M. C. Bailey & Co., Inc., its successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve M. C. Bailey & Co., Inc., its successors or assigns, from any restrictions, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 13, 1944, and shall expire July 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6896; Filed, May 13, 1944; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–549]

VOISINE STEEL CO.

W. W. Voisine, J. Lipschutz and M. Lipschutz, partners, doing business as Voisine Steel Company, operate a steel warehouse at 2423 McKinstry Avenue, Detroit, Michigan. In March 1943, the partnership delivered 7660 pounds of hot-rolled sheets upon an order bearing no preference rating, in violation of Supplementary Order M–21–b. The partnership failed to reject orders for delivery and made delivery of steel, other than rails, as follows: 40,570 pounds on May 20, 1943; 41,110 pounds on August 5, 1943; and 60,660 pounds on August 6, 1943. Each order called for delivery and delivery was made to one person at one time at one destination in violation of CMP Regulation 4 restricting said deliveries to not more than 40,000 pounds. On May 10, 1943, the partnership delivered 81,040 pounds of sheet steel to one customer, at one destination, and in one quarter, in violation of CMP Regulation 4 which limited such delivery to 6,000 pounds. The partnership failed to keep and preserve accurate and complete records of inventories, of materials, and of details of transactions in those materials, in violation of Priorities Regulation 1. The partnership made no attempt to comply with the orders and regulations of the War Production Board, and these violations must be deemed wilful.

These violations of Supplementary Order M–21–b, CMP Regulation 4, and Priorities Regulation 1 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.549 *Suspension Order No. S–549.* (a) W. W. Voisine, J. Lipschutz and M. Lipschutz, individually or as co-partners, doing business as Voisine Steel Company or under any other name, their successors or assigns, shall not directly or indirectly, operate as a steel warehouse, as defined in General Preference Order M–21–b, or as defined in any order amending or superseding General Preference Order M–21–b–1, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve W. W. Voisine, J. Lipschutz and M. Lipschutz, individually or as co-partners, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on May 13, 1944.

Issued this 6th day of May 1944.

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

[F. R. Doc. 44–6898; Filed, May 13, 1944; 4:22 p. m.]

PART 921—ALUMINUM AND MAGNESIUM

[Supplementary Order M–1–g, as Amended May 15, 1944]

ALUMINUM PIGMENT AND ALUMINUM COMPOSITION

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

§ 921.9 *Supplementary Order M–1–g*—(a) *Definitions.* For the purpose of this order.

(1) "Aluminum pigment" means any material containing aluminum which is manufactured, acquired, or disposed of for use, or which is used in making paint, ink, or other coatings, or liquid welding compound.

(2) "Aluminum composition" means any paint, ink, or other coating, or liquid welding compound, in the making of which aluminum pigment is used.

(3) "Producer" means the department of Aluminum Company of America, Reynolds Metals Company, Metals Disintegrating Company, Aluminum Bronze Powder Company, Premier Bronze Powder Works, Malone Bronze Powder Works, Inc., U. S. Bronze Powder Works, Inc., Magna Manufacturing Company, which produces aluminum pigment, and any other person who may be so designated by the War Production Board.

(4) "Distributor" means any person engaged in the business of purchasing aluminum pigment or aluminum composition and re-selling it without further processing it.

(b) *Restrictions upon delivery of aluminum pigment by a producer.* No producer shall deliver any aluminum pigment except pursuant to an order endorsed with a CMP allotment number in the S–2955 series or V–9 and the form of certification provided in either CMP Regulation No. 1 or 7 or in Order P–43. Such an order is an authorized controlled material order under CMP Regulations. Persons seeking to obtain aluminum pigment from a producer should apply to the War Production Board, Aluminum and Magnesium Division, on Form WPB–2360 (formerly Form CMP–13), except that where aluminum pigment is to be acquired for research, developmental or experimental activities under Order P–43, no application is necessary. A producer may refuse to accept an order for less than 100 lbs.

(c) *Deliveries of aluminum pigment and aluminum composition by any person other than a producer.* No person other than a producer shall, without the specific authorization in writing of the War Production Board, deliver to any other person any aluminum composition or aluminum pigment except to fill an order rated AA–5 or higher. However, during the period beginning May 15, 1944, and ending June 30, 1944, delivery by a person other than a producer may be made to any distributor even if the order placed by the distributor is unrated or rated lower than AA–5; and a distributor may at any time deliver to a consumer on unrated orders or orders rated lower than AA–5 if the aluminum composition or aluminum pigment being delivered was in the inventory of the distributor on March 15, 1944.

(d) *Other restrictions on delivery.* Notwithstanding the provisions of paragraphs (b) or (c), no person shall deliver aluminum pigment or aluminum composition if he knows or has reason to believe it is to be used in a manner forbidden by paragraph (e) of this order.

(e) *Restrictions on consumer of aluminum pigment and aluminum composition.* No person (except (1) a distributor purchasing aluminum pigment or aluminum composition during the period beginning May 15, 1944, and ending June 30, 1944, (2) a consumer purchasing this material from a distributor which was or which the distributor states was in his inventory on March 15, 1944, or (3) a person purchasing directly from a producer on an authorized controlled material order as described in paragraph (b) above) shall purchase aluminum pigment or aluminum composition except on a purchase order rated AA–5 or higher. In addition, no person shall use aluminum pigment or aluminum composition in manufacturing, maintenance, repair or construction operations, without the specific authorization in writing of the War Production Board, except as follows:

(1) In the manufacture, maintenance or repair of products and equipment when they are being produced for or used by the Army or the Navy of the United States, the Maritime Commission or the War Shipping Administration, or when they are combat end products being produced for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) On ship engine rooms and equipment and for repair and maintenance thereof.

(3) On trainer, civilian and commercial aircraft.

(4) For sealing of bituminous coated surfaces, unless he knows or has reason to believe that the bituminous coated surface was put on since January 1, 1944.

(5) For interior use in industrial and utility plants and for industrial and utility company equipment and for use in boiler rooms of institutions and commercial establishments, but in each case only where excessive moisture, fumes or temperatures prevail.

(6) For surfaces in the interior of dairies, milk bottling plants, food processing plants, cold storage plants and walk-in refrigerators. The term "dairy" means the portion of a structure in which milk is cooled or pasteurized.

(7) For outdoor storage tanks used for petroleum products and volatile chemicals.

(8) On hospital equipment.

(9) On caskets and casket hardware.

(10) For bridges, highway guard rails and steel transmission towers, but in each case only where already painted with aluminum.

(11) For movable farm equipment and farm implements.

(12) On railway signal equipment and railway signal towers.

(13) For research, developmental or experimental activities.

(14) For underwater protection of steel and iron.

(15) Vehicle license plates.

(16) For automotive busses, trucks and trailers, and for automotive repair parts.

(17) For coating electric light reflectors.

(18) For coating the exterior and interior of new cans and of new can and jar closures, if made of black plate or chemically treated steel. Notwithstanding the other provisions of this paragraph (e), a printing shop may use in printing and lithographing, any aluminum composition in its possession on May 15, 1944, or which it purchases from a distributor and which was or is stated by the distributor to have been in the distributor's inventory on March 15, 1944; and an individual acting in his private capacity and not engaged in work for which he is compensated, may use for his own needs any aluminum pigment or aluminum composition.

(f) *Applications for authorization.* A person who seeks authorization to use aluminum pigment or aluminum composition for a purpose other than one specified in paragraph (e) of this order, shall apply by letter to the War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Ref: M–1–g, setting forth:

(1) The pounds of aluminum pigment or the gallons of aluminum composition for which authorization to use is requested;

(2) Type of equipment or surface to be painted;

(3) Reason why aluminum composition is required and why the use of other material is impracticable;

(4) Rating which applicant is entitled to apply to his purchase order; and

(5) Person from whom it is to be acquired.

Special consideration will be given to requests for authorization to use aluminum pigment or composition for industrial purposes where it can be shown that its use is materially more advantageous than less critical material. The War Production Board will not grant authorizations to use aluminum pigment or composition on hydrants, lamp posts, household equipment, or in dwellings, offices, apartments, churches, or institutions, whether for internal or external use.

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Ref: M–1–g.

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

(i) *Violations.* Any person who willfully conceals a material fact or furnishes false information to any depart-

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

Issued this 15th day of May 1944.

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

[F. R. Doc. 44-6931; Filed, May 15, 1944; 11:34 a. m.]

PART 921—ALUMINUM AND MAGNESIUM

[Supplementary Order M-1-g, Interpretation 1, Revocation]

Interpretation 1, issued with respect to Order M-1-g, is hereby revoked because of the amendment of the provision in paragraph (c) of the order to which it applied.

Issued this 15th day of May 1944.

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

[F. R. Doc. 44-6930; Filed, May 15, 1944; 11:34 a. m.]

PART 933—COPPER

[Conservation Order M-9-c as Amended April 4, 1944, Amdt. 1]

Section 933.4, *Conservation Order M-9-c*, is hereby amended by amending the item on the Combined List under the heading "Building Supplies and Hardware (Excluding supplies and hardware for ships, boats and aircraft)" which now reads:

Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity),

to read as follows:

Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except that any copper products or copper base alloy products may be used for valves, controls, or parts necessary for conducting electricity, copper strip may be used for fins, copper tube may be used for water courses and headers, and cast brass also may be used for headers if the copper content of the cast brass does not exceed 82% and the tin content 3½%).

Issued this 15th day of May 1944.

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

[F. R. Doc. 44-6932; Filed, May 15, 1944; 11:34 a. m.]

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

[Priorities Reg. 3, Direction 2, as Amended May 15, 1944]

PAPER CUPS AND PAPER FOOD CONTAINERS

The following direction is issued pursuant to Priorities Regulation 3:

(a) *Purpose.* This direction provides an exception to the provisions of List B of Priorities Regulation No. 3, which prohibits the use of MRO ratings to obtain paper cups and paper food containers. By the terms of this direction, MRO ratings may be used to obtain paper cups and paper food containers but only to the extent specified herein.

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

(1) "Paper cups and paper food containers" means all empty open nested paper cups and round nested paper food containers with or without lids. The term does not include flat envelope types of cup, wedge-shaped food pails or nested paper plates.

(2) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant or business activity to its employees when the food or drink is prepared on the premises of the plant or business activity, or when the food, or drink prepared in bulk (such as coffee or soup), is brought to the plant or business activity and served in paper cups or paper food containers on the premises. It shall also include the serving of food, drink and refreshments by (1) military exchanges and service departments (as defined in Priorities Regulation No. 17), (2) hospitals serving their patients, (3) welfare organizations such as USO, Red Cross, etc., serving servicemen and their guests, and (4) persons engaged in serving passengers on trains and in planes.

(3) "A caterer or concessionnaire" means a person who has an agreement with an operator of a plant or business activity to regularly provide in-plant feeding for its employees, and who prepares his food or drink on the premises of the plant, or brings his food, or drink prepared in bulk (such as coffee or soup), to the plant and serves it on the premises. It does not include persons supplying food or drink in paper cups or paper food containers from outside the plant.

Use of Preference Ratings

(c) Any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board (including CMP Regulation No. 5, CMP Regulation No. 5A and orders in the P, T, or U Series) to buy paper cups and paper food containers for in-plant feeding.

(d) A person, such as a caterer or concessionnaire, may use his customer's blanket MRO rating to buy paper cups and paper food containers for use in providing in-plant feeding to employees of the customer. In such a case, the customer must include the cost of the paper cups and paper food containers (but need not include the cost of the food contained in them or any other charge in connection with the in-plant feeding) in his own MRO expenditures for the purpose of figuring whether he is within any quota limitation (such as paragraph (f) of CMP Regulation No. 5) imposed by the regulation or order assigning the MRO rating.

(e) *Ratings on application.* Preference ratings for users not included above and preference ratings differing from those assigned may be assigned on application by any person on Form WPB 541 (formerly PD-1A) and the use of the rating may be conditioned upon the placement of orders with specified suppliers. The assignment of a rating to an applicant on this form will permit him to use that rating to get only the specific quantities and items applied for. Where any person making such application justifies his need for a rating upon the ground that he provides eating facilities patronized principally by workers engaged in a nearby plant, he shall accompany his application with a statement from a responsible official of the plant certifying to his workers' dependence upon the applicant's eating facilities.

(f) *Certificate.* The ratings assigned pursuant to or permitted to be used by this order may be applied or extended only by use of a certificate in substantially the form prescribed by Priorities Regulation No. 7.

(g) *Extension of ratings.* Ratings applied or extended to get paper cups or paper food containers may not be extended to obtain materials for use in their manufacture.

Restrictions

(h) *Inventory.* No person shall accept delivery of any paper cups and paper food containers which will increase his inventory of any size and type to more than his reasonably anticipated requirements for the ensuing thirty days, except that the minimum standard commercial packing case quantity may be purchased, whenever the purchaser's inventory is less than a 30-days' supply.

(i) *Equipment for use of chinaware.* No person may use his blanket MRO rating to purchase paper cups or paper food containers for the serving of hot food or beverages if such person has equipment for using chinaware or other containers. In the event that such equipment can only serve a portion of his needs, he may order only the quantity of paper cups or paper food containers required in excess of such equipment.

(j) *Paper cups as shipping containers.* Attention is called to the fact that persons buying paper cups and paper food containers for use in packaging food or other products for shipment or delivery are not permitted to use blanket MRO ratings for this purpose.

(k) *Persons not using paper cups before October 29, 1943.* Any person who did not use paper cups or paper food containers for in-plant feeding before October 29, 1943 may not use his blanket MRO rating to obtain them unless he files an appeal by letter in triplicate with the appropriate field office of the War Production Board and such appeal is granted. The granting of the appeal shall constitute authority to use his blanket MRO rating for his future requirements of paper cups and paper food containers for in-plant feeding. This provision shall not apply to military exchanges or service departments.

(l) *Prohibited uses.* No person shall sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated, and no person shall use such paper cups for those purposes: (1) packages of cups for commercial retail sales, (2) hot drink cups for serving cold foods and beverages and (3) paper cups to be served with individual bottled beverages. The above prohibition against delivering paper cups in packages to be used for commercial retail sales shall not apply to stocks already made up on January 29, 1944.

(m) *Appeals.* Any appeal from the provisions of this direction shall be made by filing a letter in triplicate with the appropriate field office of the War Production Board. The appeal should refer to the particular provision appealed from, state clearly the relief desired and explain fully the grounds for appeal.

(n) *Reports.* Any person affected by this direction shall file such reports and questionnaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(o) *Termination date.* The provisions of this direction shall terminate and be void after June 1, 1944 unless previously extended. Any rating applied to an order to paper cups and paper food containers not shipped by that date shall be deemed void.

(p) *Communications.* All inquiries relating to this direction shall be addressed to: War Production Board, Containers Division, Washington 25, D. C., reference Direction 2 to Priorities Regulation No. 3.

Issued this 15th day of May 1944.

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

[F. R. Doc. 44-6926; Filed, May 15, 1944; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-544, Stay of Execution]

H. T. HAYWARD CO.

The H. T. Hayward Co. of East Douglas, Massachusetts, has appealed the provisions of Suspension Order No. S-544, issued May 8, 1944 (§ 1010.544) and has requested a stay on the ground that irreparable harm would be done its business if the Suspension Order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the Suspension Order be stayed pending final determination of the appeal, or until further order by the Chief Compliance Commissioner. In view of the foregoing, *It is hereby ordered,* That:

The provisions of Suspension Order No. S-544, issued May 8, 1944, are hereby stayed pending final determination of the appeal, or until further order by the Chief Compliance Commissioner.

Issued this 13th day of May 1944.

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

[F. R. Doc. 44-6897; Filed, May 13, 1944; 4:22 p. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT [1]

[Limitation Order L-217, Schedule IX, as Amended May 15, 1944]

TANK CAR HEATERS AND PUMPING BOOSTERS OR CIRCULATORS

§ 1157.29 [1] *Schedule IX to Limitation Order L-217*—(a) *Definitions.* For the purpose of this Schedule IX:

(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) "Producer" means any person engaged in the manufacture of tank car heaters or pumping boosters or circulators.

(3) "Tank car heater" means a mechanical device consisting of a steam boiler (with adjustable low pressure oil burner and a type of closed circuit return condensation system), designed for raising the temperature of bituminous materials in railroad tank cars to permit proper temperature applications thereof.

(4) "Pumping booster," otherwise known as a "circulator," means a mechanical device consisting of a direct fired heating unit with asphalt pump and engine assembly equipment and adjustable low pressure oil burner system, designed for the heating, circulating, and pumping of bituminous materials to a distributor or other unit.

(5) "Repair part" means any part manufactured for use in the repair of tank car heaters or pumping boosters or circulators.

(6) "The military" means the Army, Navy, Maritime Commission, or War Shipping Administration.

(b) *Limitation on production.* (1) On and after April 30, 1943, no producer shall put into process any materials for the manufacture of tank car heaters or pumping boosters or circulators which do not conform to the sizes and types established in paragraphs (c) and (d) hereof. Nothing in this paragraph (b) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on April 5, 1943.

(2) No person who is not actively engaged in the current production of tank car heaters or pumping boosters or circulators, as indicated on any Form PD-697 filed by him prior to March 31, 1943, pursuant to Order L-192, shall enter into the production of any tank car heaters or pumping boosters or circulators.

(3) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(c) *Limitation on sizes and types of tank car heaters.* Producers are limited to one model in each of the following sizes and types of tank car heaters:

(1) Two car size of 26-36 boiler H. P. at not less than 125 pounds per square inch working pressure, two wheel trailer mounted.

(2) Three car size of 40-55 boiler H. P. at not less than 125 pounds per square inch working pressure, two wheel trailer mounted.

(d) *Limitations on sizes and types of pumping boosters or circulators.* Producers are limited to one model of pumping booster or circulator, which shall be of a size capable of raising the temperature of a 10,000 gallon tank car 50 degrees per hour when pumping and unloading, at 175 gallons per minute, bituminous materials of a viscosity less than penetration asphalt; this size may be two or four wheel trailer mounted or truck or skid mounted.

(e) [Deleted May 15, 1944]

(f) *Limitation Order L-192.* Nothing in this schedule shall be deemed to affect the applicability of the provisions of Limitation Order L-192.

Issued this 15th day of May 1944.

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

[F. R. Doc. 44-6933; Filed, May 15, 1944; 11:35 a. m.]

[1] Formerly Part 3115, § 3115.10.

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT [1]

[Limitation Order L-217, Schedule XIII, as Amended May 15, 1944]

BITUMINOUS MATERIALS MAINTENANCE UNITS

§ 1157.33 [1] *Schedule XIII to Limitation Order L-217*—(a) *Definitions.* For the purposes of this Schedule XIII:

(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) "Producer" means any person engaged in the manufacture of bituminous materials maintenance units or pumps.

(3) "Bituminous materials maintenance unit", otherwise known as a sprayer, utility, or tank unit, means a wheel or truck mounted mechanical unit, consisting of a tank and pump, one or more spray attachments, and with or without tank heating system and spray-bar, designed for spraying light bituminous materials.

(4) "Pump" means a rotary, positive displacement type pump, designed for use on bituminous materials maintenance units.

(5) "The Military" means the Army, Navy, Maritime Commission, or War Shipping Administration.

(6) "Repair part" means any part manufactured for use in the repair of bituminous materials maintenance units or pumps.

(b) *Limitation on production.* (1) On and after April 30, 1943, no producer shall put into process any materials for the manufacture of bituminous materials maintenance units or pumps which do not conform to the sizes and types established in paragraphs (c) and (d) hereof. Nothing in this paragraph (b) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on April 5, 1943.

(2) No person who is not actively engaged in the current production of bituminous materials maintenance units or pumps, as indicated on any Form PD-697 filed by him prior to March 31, 1943, pursuant to Order L-192, shall enter into the production of any bituminous materials maintenance units or pumps.

(3) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(c) *Limitation on sizes and types of bituminous materials maintenance units.* Producers are limited to one model in each of the following sizes of bituminous materials maintenance units:

(1) 120 gallon capacity, two wheel mounted.

(2) 300 gallon capacity, two wheel mounted.

(3) 600 gallon capacity, two wheel mounted.

[1] Formerly Part 3115, § 3115.14.

(d) *Limitation on types of pumps.* Producers are limited to pumps of the following specifications only:

The rated capacity of the pump shall be not more than 100 gallons per minute.

(e) [Deleted May 15, 1944]

(f) *Limitation Order L–192.* Nothing in this schedule shall be deemed to affect the applicability of the provisions of Limitation Order L–192.

Issued this 15th day of May 1944.

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

[F. R. Doc. 44–6934; Filed, May 15, 1944; 11:35 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b, as Amended May 15, 1944]

GLASS CONTAINER AND CLOSURE QUOTAS

§ 3270.36 *Supplementay Order L–103–b.* This order lists the only products which may be commercially packed in new machine-made, glass containers or with new metal closures. It specifies closure materials and sets forth the number of glass packages and metal closures which may be used for each listed product. In addition, some restrictions are placed upon the manufacture of closures.

The order limits "commercial packs" only. Although there are certain manufacturing restrictions, the use of glass containers or metal closures for home canning purposes is not affected.

Likewise, the provisions of this order cover only new glass containers and closures. Used containers or closures are not limited. However, closures which are fabricated from used closures—that is, where the used closures are a production material—are regarded as new closures made of "waste" and are governed by the pertinent provisions of this order.

Definitions of the various terms used in this order appear in paragraph (x) hereof.

Restrictions on Use of Glass Containers and Closures

(Note exceptions from these restrictions in paragraphs (p) through (v)).

(a) *Prohibited acceptances and uses of glass containers and closures.* No packer shall accept delivery of or use any new glass container, or any new metal closure for packing any product not listed in a schedule of this order.

(b) *Limitations on acceptance and use of glass containers and closures.* Likewise, during any calendar year beginning with 1944, no packer shall accept delivery of or use, for packing any product which is listed in a schedule of this order, more new glass containers or more new metal closures (other than closures made from waste) than his quota for that product. However, jobbers or retailers may obtain closures and glass containers and resell them in conformity with the provisions of this order.

(c) *Closure materials.* No packer shall accept delivery of or use, for packing any product, new metal closures made of any material except those permitted for that product in the schedules of this order. However, blackplate (including rejects) may be used whereever tinplate or terneplate is specified, and frozen plate may be used wherever tinplate, terneplate or blackplate is specified. Likewise, closures made of waste may be used in accordance with the following paragraph:

(d) *Closures made of waste.* Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order. Closures made of waste may be used in addition to specified quotas for listed products.

(e) *Home canning jars.* No packer shall pack any commodity in a home canning jar. (Note that the use of these jars for home canning is not restricted).

Quotas

(f) *General.* Closure and glass quotas are stated separately in the attached schedules, and are not necessarily the same for any given product.

Quotas are not interchangeable as between listed products. That is, a packer who packs two products, product A and product B, must compute his quota (in the manner described in the following paragraph (g)) for each product separately. He cannot allot any portion of his quota for product A to product B, even if he does not pack his full quota of product A.

Furthermore, quotas may not be transferred from one packer to another except as provided in Priorities Regulation 7A.

(g) *Computation of quotas.* In most cases where this order provides a quota for the packing of any product, it does so, in the attached schedules, by stating a percentage figure followed by a calendar year—for instance, 100% 1943. Where this appears in the "glass quota" column opposite a product, it means, unless otherwise specified, that a packer's glass container quota for that product during 1944 and subsequent calendar years is computed as follows:

(1) He takes the number of new glass containers which he used for packing that product during the named base year.

(2) He subtracts the number of new glass containers which he used for packing that product during the named base year and which were quota exempt under the provisions of any prior order of the War Production Board or under any previous amendment of this order.

(3) He multiplies the resulting figure by the applicable percentage.

Identical rules apply to the computation of closure quotas, except that unless otherwise specified they are based on the number of new metal closures used during the specified base period.

The schedules of this order provide that the quotas for some products are based on the number of new metal closures or new glass containers accepted rather than those used during the specified base period. Here again, the method of computation, described in this paragraph, applies, except that the word "accepted" should be substituted for the word "used" in steps 1 and 2 above. Only the new metal closures or the new glass containers which a packer actually accepted delivery of and those which were invoiced to him during the applicable base period may be included in his quota base in such cases. But, for the purpose of making charges against quota, a packer must include the new metal closures and the new glass containers which he actually accepts delivery of, and those which are set aside for him or held by another party for his account—whether or not they are actually invoiced to him.

In a few cases, the schedules of this order set forth special rules, not covered by the above, for the computation of quotas for particular products. Such rules must be followed, and supersede the general statements contained in this paragraph (g) to the extent that they conflict with them.

(h) *Use of quotas.* As indicated above, most quotas are based on past use. The word "use" refers only to the actual filling operation in the case of glass and the actual capping operation in the case of closures. Therefore, to the extent that a person did not do this directly during the base period, he has no quota, despite the fact that he may have supplied the actual packer with the product, closures, containers, etc. After December 31, 1943, any packing done for him must be within the quota of the person performing the actual filling and capping operation.

In the case of products whose quotas are based upon acceptances, a person is deemed to have "accepted" glass containers or closures (for the purpose of computing quotas) only to the extent that he himself actually took possession of them or had them invoiced to him. If he did not do this during the base period, he has no quota, and the rules stated in the preceding paragraph of this paragraph (h) apply.

Packers who use or accept new glass containers or metal closures for packing products for the account of others, as well as for their own account, must conduct both operations within their own quotas. Without a special appeals grant under this order, they cannot regard their use or acceptances of glass containers and metal closures for the account of others as an addition to their quotas. This is true even where the other person may represent to the packer that he has a quota which he is not using himself.

On the other hand, packers are entitled to include, in their own quota bases, their use or acceptances of new glass containers or new metal closures, for the account of others during the specified base periods.

Restrictions on Sale and Delivery of Glass Containers and Closures

(i) *General restrictions.* No person shall sell or deliver any glass containers or closures which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(j) *Export deliveries.* During any calendar year, no person shall deliver more empty new glass containers or more new metal closures to any person outside of the 48 States of the United States and the District of Columbia than he delivered to that person during 1943.

(k) *Certificates.* No person shall sell or deliver any new glass containers or new metal closures except under a purchase order or contract validated by the delivery to such person of a purchaser's certificate, signed manually, or as provided in Priorities Regulation 7.

This certificate shall be in substantially the form attached hereto as Exhibit A in the case of sales or deliveries of all glass containers, and of all metal closures except malt and non-alcoholic beverage closures. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

The certificate should be in substantially the form attached hereto as Exhibit B, where sales or deliveries of malt or non-alcoholic beverage closures are concerned. This certificate differs from Exhibit A in that it must be filed with each purchase order for beverage closures in order to validate the order.

Jobbers as well as packers must file certificates in accordance with this paragraph (k). However, in Exhibit B, jobbers need only supply the information called for in sections (b) and (d) of that certificate.

(l) *Outstanding certificates.* Certificates previously filed with a supplier under any previous amendment of this order, shall remain valid insofar as sales or deliveries of glass containers are concerned. Exhibit A certificates previously filed under order M-104, shall remain valid insofar as closure (other than malt or non-alcoholic beverage), deliveries are concerned. In either of the above cases, no new certificate need be filed by any purchaser to validate his orders placed with the supplier to whom the previous certification was made.

(m) *Cases where certificates need not be filed.* No certificates shall be required for the sale or delivery of the following:

(1) Home canning jars
(2) Home canning closures
(3) Returnable glass containers for packing products listed in item 66 of Schedule I
(4) Prescription bottles and ointment jars for prescription use
(5) Closures for prescription and ointment jars for prescription use
(6) Glass containers or closures of any kind to retailers for resale empty or unused or to persons purchasing them from retailers.

(n) *Standard certifications.* The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certifications provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

Restrictions Relating Solely to Manufacture of Closures

(o) *Closure material.* (1) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium (other than paraffin) such as another closure.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (o) (2).

(2) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule VII attached to this order. No closure manufactured pursuant to Schedule VII shall knowingly be sold to, or used by, any person for packing any product for sale.

(3) No person shall use any tinplate, terneplate or blackplate heavier than 90 pounds per base box for the manufacture of crown caps. This restriction does not apply to rejects, frozen plate waste-waste, or waste.

(4) No person shall use for the manufacture of closures, any tinplate with a tin coating in excess of 0.50 pound per base box except as follows: 1.50 tinplate may be used to make closures for packing items 1 to 46, inclusive, in Schedule I. However, even in the case of these items all persons are urged to use 0.50 tinplate whenever possible.

(5) No person shall use any wire for the manufacture of paperboard disc plug caps, having a diameter of two inches or less, for milk bottles.

Exceptions Pertaining to Both Glass Containers and Closures

(p) *Deliveries to certain agencies and persons.* Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of glass containers or closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy Camps, are not operated for private profit and are established primarily for the use of Army or Navy personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other nonprofit Defense Recreation Committees, engaged in the operation of recreation centers in the 48 States of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (p) (3) by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(q) *Special provisions in schedules relative to exempt deliveries to certain agencies and persons.* The schedules of this order contain certain limitations on the exception provided by the preceding paragraph (p) in the case of certain products—as, for instance, ice cream mix and malt and nonalcoholic beverages. In such cases, the provisions of the schedules are controlling and supersede paragraph (p) to the extent that they conflict therewith.

Exceptions Relative to Glass Containers Only

(r) *Small users.* The restrictions of this order which pertain to glass containers shall not apply to any person, who was a packer before January 1, 1944, during any calendar year in which he accepts no more than a total of five hundred ($500.00) dollars worth (cost price to him) of empty new glass containers for all products.

(s) *Large size glass containers.* The restrictions of this order which pertain to glass containers shall not apply to any glass container with a capacity larger than 140 fluid ounces.

(t) *Glass containers of non-permitted sizes manufactured prior to January 4, 1944.* A packer may accept and use, for packing any product listed in the schedules of this order, any glass container which was manufactured before January 4, 1944, even though the container is of a size which is not permitted for that product by the schedules. Such acceptance and use must be in accordance with the quota provisions of this order and with the provisions of Order L-103.

(u) *Quota status of glass containers in inventory as of January 1, 1944.* Glass containers in the possession of a packer as of January 1, 1944, may be used by him for packing any listed product as follows:

(1) Quota free, if accepted for packing a product which had a limited quota in 1943, (unless "borrowed" as described in point 3 of this paragraph).

(2) Within quota, if accepted for packing a product which had an unlimited quota in 1943.

(3) Within quota, if borrowed against anticipated 1944 use as permitted in paragraph (e) of this order as amended November 1, 1943.

Exceptions Pertaining to Closures Only

(v) *Small users.* The restrictions of this order which pertain to closures shall not apply to any person during any calendar year in which he accepts no more than five thousand new metal closures for all products.

Prior Appeals

(w) *Appeals granted prior to December 31, 1943 under Order M–104 and Order L–103–b.* All appeals granted prior to December 31, 1943 under orders L–103–b and M–104 are cancelled and shall be ineffective on and after January 1, 1944. Therefore, after that date, no person shall accept delivery of or use or shall manufacture, sell or deliver any new glass container or any new metal closure except in accordance with the provisions of this order—unless he receives a new grant on appeal after January 1, 1944.

Definitions

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

(1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product. It shall not include ampoules or vials made from glass tubing.

(2) "Packer" means any person who uses glass containers or closures for commercially packing any product in the continental United States (the 48 States and the District of Columbia).

(3) "Home canning jar" means a glass container which is specifically made for use as a home canning jar (that is, for the purpose of packing or preserving food or food products in the home) and which carries some lettering or other marking identifying it as such.

(4) "Closure" means any new sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(5) "Metal closure" means any closure which is made of zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste, or waste.

(6) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(7) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", and all other forms of terneplate except waste and waste-waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, and includes "rejects", and all other forms of blackplate except waste.

(9) "Frozen plate" means only tinplate, terneplate or blackplate which, since before August 9, 1943, has been held in the owner's inventory because, for any reason, it was not suitable for manufacture by the owner into articles permitted the use of steel under the provisions of War Production Board orders.

(10) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(11) Tinmill blackplate "rejects" means steel sheets rejected during processing by the producer because of imperfections which disqualify such sheets for sale as prime blackplate.

(12) "Waste", means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures or cans.

(13) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

Miscellaneous

(y) *Multiple unit users.* Any commercial user who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or group of plants) or a collective quota for all such plants. Any organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single commercial user for purposes of this paragraph.

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

(aa) *Appeals.* Appeals from this order shall be filed by addressing a letter to the War Production Board, Containers Division, Washington 25, D. C. Ref: L–103–b.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(bb) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref.: L–103–b.

(cc) *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 accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 15th day of May 1944.

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

EXHIBIT A—PURCHASER'S CERTIFICATE FOR ALL GLASS CONTAINER DELIVERIES AND ALL CLOSURE DELIVERIES EXCEPT MALT AND NON-ALCOHOLIC BEVERAGE CLOSURES

One copy of this certificate is to be delivered to each person from whom purchases of new glass containers or new metal closures (other than malt and non-alcoholic beverage closures) are made. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L–103–b and that he will not use or sell any glass containers or any closures purchased from _____
Name of seller
_____
Address of seller
pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date _____

_____
Legal name of purchaser
By _____
Authorized official
_____
Title of official
_____
Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

EXHIBIT B

Certificate required by Order L–103–b to validate each purchase of new metal closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

INVENTORY

(a) Permitted inventory (30% of the 1944 quota of closures for packing malt or non-alcoholic beverages) _____ gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) _____ gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) _____ gross.

(d) Requested delivery from _____
Seller
_____ gross.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L–103–b, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages received from the seller pursuant to the

above-described "requested delivery" in violation of the terms of such order.

Date ----------

Legal name of purchaser

By ---
Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

SCHEDULES—GENERAL EXPLANATION

Schedules I through VI list the only products which may be packed in new glass containers or with new metal closures. Schedule VII relates to the manufacture of home canning closures.

The data set forth in the two "quota" columns, opposite each product, indicate the number of new glass containers and new metal closures (determined in accordance with the general rules set forth in paragraph (g) of Order L–103–b), which may be used for packing that product. However, any special quota provisions which these schedules make applicable to any product, are controlling to the extent that they conflict with paragraph (g).

The "X" mark which appears opposite each product in one of the columns headed "closure material" indicates that, except as listed hereafter, only closures made of the specified material may be used to pack that product. The general exceptions from this rule are:

(i) Closures made of blackplate (including rejects) may be used, within quotas, wherever tinplate or terneplate is specified.

(ii) Closures made of frozen plate may be used, within quota, wherever either tinplate, terneplate or blackplate is specified.

(iii) Closures made of waste may be used in addition to specified quotas for listed products.

All special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

All size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L–103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L–103–b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exemptions—as in the case of ice cream mix and certain beverages—must be observed.

SCHEDULE I—FOODS

NOTE: Items 33, 51, 60 and 75 amended; items 49a, 49b, 49c, 56a, 60a, 75a and 92 added May 15, 1944.

No product packed in a can shall be repacked for sale in a glass container by the same or a different person, in the same or a different form, except as follows (or as otherwise specifically permitted in this schedule):

(i) When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans, 5-gallons or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

(ii) Tomato paste, tomato pulp or puree, and tomato sauce may be repacked from No. 10, or from 5-gallon or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste or tomato pulp or puree), but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

(iii) Closures made of aluminum may be used for any product listed in this schedule for which aluminum closures were used in 1939, 1940 or 1941. However, all aluminum closures must be used within, and charged to, the quotas established by this schedule.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
FRUIT AND FRUIT PRODUCTS				
1. Apples including crab apples, whole apples not to be packed	100% 1943	100% 1943	X	
2. Apple cider, gallons only	100% 1943 (see note)	100% 1943	X	
NOTE: Only new glass containers of one-half gallon and larger may be included for the purpose of computing quota under paragraph (g).				
3. Apple juice, not to be packed in containers smaller than 1 pint capacity	100% 1943	100% 1943	X	
4. Applesauce including sauce from crab apples	100% 1943	100% 1943	X	
5. Apricots, fresh	Unlimited	Unlimited	X	
6. Blackberries, black raspberries, blueberries or huckleberries, red raspberries, boysen berries, loganberries, and youngberries when packed as berries.	Unlimited	Unlimited	X	
7. Cherries, red sour pitted and sweet	Unlimited	Unlimited	X	
8. Cranberries	100% 1943	100% 1943	X	
9. Figs—(Kadota)	Unlimited	Unlimited	X	
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 80 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No 10 or larger cans, to the extent of 10 percent of the fruit cocktail	Unlimited	Unlimited	X	
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent diced peaches, and not less than 35 percent nor more than 45 percent diced pears; or a combination of not less than 50 percent nor more than 60 percent diced peaches and not less than 30 percent nor more than 40 percent diced pears with not less than 6 percent nor more than 10 percent grapes. Such peaches or pears shall be peeled, pitted, or cored and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
11. Fruit butters, minimum size (excluding tumblers) ¾ pound. At least 70 percent of containers packed to be 1½ pounds or larger.	Unlimited	Unlimited	X	
12. Fruits crushed, fountain fruits and ice cream toppings	100% 1943	100% 1943	X	
13. Fruit conserves, jams, marmalades and preserves. At least 10 percent of the number of containers packed with these products, excluding tumblers, to be 2 pounds or larger.	Unlimited	Unlimited	X	
14. Fruit jellies	Unlimited	Unlimited	X	
15. Fruit juices, other than grape, apple, or apple cider, or mixtures of fruit juices (undiluted except for the addition of sweetening). Minimum size 1 pint.	100% 1943	100% 1943	X	
16. Grape juice, minimum size 1 pint	Unlimited	Unlimited	X	
17. Fruit concentrates, liquid, when concentrated on a ratio 5 or more to 1	100% 1943	100% 1943	X	
18. Fruit concentrates, dry	100% 1943	100% 1943		X
19. Fruit nectars, minimum size 1 pint	100% 1943	100% 1943	X	
20. Olives, ripe and green ripe	Unlimited	Unlimited	X	
21. Peaches, halves, slices or cubes	Unlimited	Unlimited	X	
22. Pears—whole pears, except seckel pears, not to be packed	Unlimited	Unlimited	X	
23. Pectin, liquid	Unlimited	Unlimited		X
24. Plums	Unlimited	Unlimited	X	
25. Prunes, fresh Italian	Unlimited	Unlimited	X	
VEGETABLES AND VEGETABLE PRODUCTS				
26. Asparagus, all-green or culturally bleached	Unlimited	Unlimited	X	
27. Beans, with or without pork	100% 1943	100% 1943	X	
28. Beans, fresh, all varieties	Unlimited	Unlimited	X	
29. Beets—whole beets over 1¼" diameter not to be packed	Unlimited	Unlimited	X	
30. Carrots—whole carrots not to be packed	Unlimited	Unlimited	X	
31. Peas and carrots—fresh green peas only. Carrots not to exceed 40 per cent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
VEGETABLES AND VEGETABLE PRODUCTS—Continued				
32. Corn, fresh, sweet cut only	Unlimited	Unlimited	X	
33. Mixtures of vegetables (except succotash, and peas and carrots) 90 percent of this mixture by drained weight must consist of vegetables listed in this schedule, celery and onions: *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
34. Mushrooms	100% 1943	100% 1943	X	
35. Okra, including tomatoes and okra	100% 1943	100% 1943	X	
36. Peas, green	Unlimited	Unlimited	X	
37. Peppers, sweet, including pimientos. Minimum size container 6 fluid ounces	100% 1943	100% 1943	X	
38. Pumpkin and squash	100% 1943	100% 1943	X	
39. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke and turnip greens.	100% 1943	100% 1943	X	
40. Succotash, fresh vegetables only	Unlimited	Unlimited	X	
41. Tomatoes	Unlimited	Unlimited	X	
42. Tomato catsup and chili sauce, containing not less than 10.8 percent (specific gravity 1.045) by weight of dry tomato solids.	Unlimited	Unlimited	X	
43. Tomato paste from fresh tomatoes, containing not less than 25 percent by weight of dry tomato solids.	Unlimited	Unlimited	X	
44. Tomato pulp or puree from fresh tomatoes, containing not less than 10.8 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids.	Unlimited	Unlimited	X	
45. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight of dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.	Unlimited	Unlimited	X	
46. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning, minimum size 1 pint.	Unlimited	Unlimited	X	
MEAT AND MEAT PRODUCTS				
47. Beef, dried—tumblers and caps for tumblers may be used in addition to quota	100% 1943	100% 1943	X	
48. Beef extract	100% 1943	100% 1943	X	
49. Chicken, boned	100% 1943	100% 1943	X	
49a. Chicken and turkey a la king, containing not less than 20 percent meat and skin; skin and giblets not to exceed natural proportions.	100% 1943	100% 1943	X	
49b. Chicken and turkey egg noodles, containing not less than 12 percent meat and skin; skin and giblets not to exceed natural proportions.	100% 1943	100% 1943	X	
49c. Turkey, boned	100% 1943	100% 1943	X	
50. Corned beef hash	100% 1943	100% 1943	X	
51. Mince meat. No containers holding less than one pound net weight of mince meat to be packed	100% 1943	100% 1943	X	
52. Pigs feet and cutlets, pickled. No containers of a capacity less than one pint to be packed	200% 1943	200% 1943	X	
53. Scrapple (Philadelphia type)	50% 1943	50% 1943	X	
54. Tamales	100% 1943	100% 1943	X	
55. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards)	100% 1943	100% 1943	X	
56. Meat spreads, including ham, tongue, liver, beef and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	100% 1943	100% 1943	X	
56a. Meat loaf containing not less than 90 percent meat, by uncooked weight and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs and seasonings.	100% 1943	100% 1943	X	
57. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	100% 1943	100% 1943	X	
58. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 percent added water by weight.	100% 1943	100% 1943	X	
59. Tongue	200% 1943	200% 1943	X	
FISH AND SHELLFISH				
60. Any person who packed fish or shellfish products in 1943 may pack the same products other than clam broth in 1944 or any subsequent year.	150% 1943	150% 1943	X	
60a. Clam broth	100% 1943	100% 1943	X	
MILK AND DAIRY PRODUCTS				
61. Cheese spreads, processed or unprocessed. Tumblers and caps for tumblers may be used in addition to quota.	125% 1943	125% 1943	X	
62. Milk, cultured, as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	100% 1943	100% 1943		X
63. Milk, fluid with or without flavoring	Unlimited	Unlimited		X
64. Dry milk, malted milk, (including chocolate milk), and milk fortifiers	100% 1943	100% 1943		X
65. Ice cream mix, dry—notwithstanding the provision of paragraph (p) of this Supplementary Order L-103-b, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies. Containers and closures used for such packs must be charged to quotas for this product.	100% 1943	100% 1943	X	
66. Miscellaneous dairy products packed in returnable glass containers, including but not limited to fluid milk, cultured milk, liquid modifications of milk, sweet cream, sour cream and cottage cheese.	Unlimited	None		
SYRUPS AND HONEY				
67. Syrups—blended, cane, corn, maple, molasses, sorghum. Containers under 1 gallon capacity only to be packed.	150% 1943 (see note).	Unlimited		X
NOTE: Only new glass containers under 1 gallon capacity to be included for purpose of computing quota in accordance with paragraph (g).				
68. Syrups—bottlers, malt, and fountain syrups	100% 1943	Unlimited		X
68a. Syrup—chocolate	100% 1943	Unlimited	X	
69. Honey	Unlimited	Unlimited		X
OLIVES, PICKLES, RELISHES, CONDIMENTS & SAUCES				
70. Pickles, piccalilli and relishes	125% 1943	125% 1943	X	
71. Horseradish	100% 1943	100% 1943	X	
72. Mustard	100% 1943	100% 1943	X	
73. Green Olives	100% 1943	100% 1943	X	
74. Sauces—beefsteak, cooking, soya, pepper and Worcestershire	100% 1943	100% 1943	X	
EDIBLE OILS AND DRESSINGS				
75. Dressings—Mayonnaise, Russian, salad, Thousand Island. At least 60 percent of the containers used by any person to pack any or all of these products must be pints or larger.	125% 1943	125% 1943		X
75a. Tartar Sauce and sandwich spreads (other than meat or cheese spreads)	125% 1943	125% 1943		X
76. French dressing	100% 1943	100% 1943	X	

SCHEDULE I—FOODS—Continued

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
EDIBLE OILS AND DRESSINGS—Continued				
77. Oil, edible, liquid	125% 1943 (see note).	100% of quota glass containers.		X
NOTE: Both new glass containers and new metal cans packed during base period to be included for purpose of computing quota under paragraph (g). No containers other than quarts and pints may be packed, with the following exceptions: (i) Olive oil may be packed in quarts, pints and smaller sizes. (ii) Any person who packed liquid edible oils prior to January 1, 1942 in glass containers larger than one quart may continue to do so in 1944 and subsequent calendar years.				
78. Shortenings	100% 1943	None		
MISCELLANEOUS FOODS				
79. Baby foods. Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent by weight, of the total product. Formulas—dry and liquid.	150% 1943	150% 1943	X	
81. Cherries, maraschino	100% 1943	100% 1943	X	
82. Coffee, not including soluble coffee	75% 1941 (see note).	50% quota glass containers. (See note.)		X
NOTE: Glass quotas for coffee are based on the capacity of new glass containers and metal cans accepted, rather than on the number of those used during 1941. Therefore, after computing his quota base in accordance with steps 1 and 2 of paragraph (g), on this basis, a coffee packer is permitted to accept and use enough new glass containers (of any size), to enable him to pack 75 percent of the capacity of new metal cans and jars resulting from such computation. No more than 40 percent of yearly glass quota may be accepted in period May 1 through October 31. New metal caps used in any one month shall not exceed 50 percent of the number of new glass containers packed in that month.				
83. Coffee, soluble	150% 1943	150% 1943		X
84. Baking powder	100% 1943	100% 1943		X
85. Dyes, certified colors, liquid	100% 1943	100% 1943		X
86. Flavoring extracts	100% 1943	100% 1943	X	
87. Malt, dry	100% 1943	100% 1943		X
88. Nut butters including soybean butter. To be packed in 1 pound, 1½ pound, 2 pounds and larger containers only, except for tumblers which may be used subject to provisions of L-103. At least 10 percent of containers used to be 2 pounds or larger.	150% 1943	150% 1943		X
89. Spices and seasonings	100% 1943	100% 1943	X	
90. Vinegars. At least 70 percent of the containers packed must be quarts or larger. No containers less than pint capacity to be packed.	100% 1943	100% 1943	X	
91. Special foods for human consumption only, limited to foods other than usual table foods.	(See note)	(See note)	(See note).	(See note).
92. Soup mix, dehydrated and paste	100% 1943	100% 1943	X	
NOTE: Quota—no person shall pack any special food product unless he packed the product in substantially the same form in 1943, and unless he obtains prior permission upon application to the War Production Board.				

SCHEDULE II—DRUG PRODUCTS

[Products for medicinal purposes only]

NOTE: Item 7a added and Note 1 amended May 15, 1944.

Closures made of aluminum may be used for any product listed in this schedule for which aluminum closures were used in 1939, 1940 or 1941. However, all aluminum closures must be used within, and charged to, the quotas established by this schedule.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
1. Alcohol, rubbing or medicated	Note 1	Note 1		X
2. Anesthetic solutions	Unlimited	Unlimited	X	
3. Biological preparations	Unlimited	Unlimited	X	
4. Blood plasma	Unlimited	Unlimited	X	
5. Capsules, pills, tablets, troches, lozenges	Note 1	Note 1		X
6. Chemicals, dry or liquid	Unlimited	Unlimited	X	
7. Citrate of magnesia	Note 1	Note 1		X
7a. Dental supplies packed exclusively for use in the practice of dentistry	Unlimited	Unlimited	X	
8. Elixirs	Note 1	Note 1		X
9. Emulsions	Note 1	Note 1		X
10. Extracts, dry or liquid	Note 1	Note 1		X
11. Glycerine	Note 1	Note 1		X
12. Glycerites	Note 1	Note 1	X	
13. Jellies, aqueous	Note 1	Note 1		X
14. Liniments	Note 1	Note 1		X
15. Liniments of ammonia	Note 1	Note 1	X	
16. Lotions, medicinal only	Note 1	Note 1		X
17. Magmas	Note 1	Note 1	X	
18. Oleoresins	Note 1	Note 1		X
19. Oils, fixed, volatile or medicated	Note 1	Note 1	X	
20. Ointments, cerates, petrolatum pastes	Note 1	Note 1		X
21. Ointments, ophthalmic	Note 1	Note 1	X	
22. Powders	Note 1	Note 1		X
23. Prescriptions	Unlimited	Unlimited	X	
24. Proprietary preparations	Note 1	Note 1		X
25. Salts, effervescent, hygroscopic, efflorescent only	Note 1	Note 1		X
26. Soaps, medicinal only	Note 1	Note 1	X	
27. Solutions, aqueous	Note 1	Note 1	X	
28. Solutions, other than aqueous	Note 1	Note 1	X	
29. Solutions, parenteral	Unlimited	Unlimited	X	
30. Spirits	Note 1	Note 1		X
31. Spirits of ammonia, aromatic	Note 1	Note 1	X	
32. Spirit of ether compound and spirit of ether	Note 1	Note 1	X	
33. Sulfonamide preparations	Unlimited	Unlimited		X
34. Suppositories	Note 1	Note 1		X
35. Syrups	Note 1	Note 1		X
36. Tinctures	Unlimited	Unlimited		X
37. Tincture of iodine	Unlimited	Unlimited	X	
38. Waters laxative, purgative or medicinal	Note 1	Note 1		X
39. Other drug products	Note 1	Note 1		X
40. Turpentine, maximum size 8 ounces	Note 1	Note 1		X

NOTE 1: The total number of new metal closures and new glass containers which may be used, during any calendar year, for packing all of the products referring to this note is 100 percent of the number of new metal closures or new glass containers, respectively, a person used for said purpose during 1943, after deducting the quota exempt closures or containers used, in accordance with the provisions of paragraph (g). This quota may be used for any one or more of said products.

SCHEDULE III—CHEMICALS

NOTE: Item 9 deleted; item 15a added May 15, 1944.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure materia	
			Tinplate	Blackplate
1. Adhesives, glue, mucilages and pastes	100% 1943	100% 1943		X
2. Alcohol, liquid or solidified (excluding anti-freeze)	100% 1943	100% 1943		X
3. Ammonia, household, and/or household liquid cleaners. No containers of less than 1 quart capacity may be packed.	100% 1943	100% 1943	X	
4. Aromatic chemicals used for their odoriferous and/or flavoring properties	Unlimited	Unlimited	X	
5. Automotive maintenance or repair items, liquid or paste	100% 1943	100% 1943		X
6. Bluings	100% 1943	100% 1943	X	
7. Bleaches, liquid. No containers of less than 1 quart capacity may be packed	100% 1943	Unlimited	X	
8. Cements—dry, paste or liquid	100% 1943	100% 1943		X
9. [Deleted May 15, 1944].				
10. Chemicals, dry, not elsewhere specified	80% 1943	80% 1943		X
11. Chemicals, liquid, not elsewhere specified	80% 1943	80% 1943	X	
12. Chemicals for food sanitation purposes only	150% 1943	150% 1943		X
13. Chemicals, reagent	200% 1943	200% 1943	X	
14. Cleaners—dry, paste or liquid, not including liquid household cleaners	100% 1943	100% 1943		X
15. Compounds for grinding, polishing, or sealing	100% 1943	100% 1943		X
15a. Dental supplies packed exclusively for use in the practice of dentistry	Unlimited	Unlimited	X	
16. Deodorants—dry, not for use on human body	100% 1943	100% 1943		X
17. Deodorants—liquid or paste, not for use on human body	100% 1943	100% 1943	X	
18 Dressings for industrial purposes Belt dressings and similar preparations	100% 1943	100% 1943		X
19. Dyes	100% 1943	100% 1943	X	
20. Essential oils, distilled or cold pressed	100% 1943	100% 1943	X	
21. Embalming fluid	Unlimited	Unlimited		X
22. Fire extinguisher fluids	100% 1943	100% 1943		X
23. Fumigants	100% 1943	100% 1943		X
24 Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays No containers larger than 1 quart to be packed	150% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
25. Germicides	125% 1943	125% 1943	X	
26. Graphite with liquid	100% 1943	100% 1943		X
27. Glycerine	100% 1943	100% 1943		X
28. Hand protective compounds (industrial protective only and only when packed in 8 oz. container or larger).	150% 1943	150% 1943		X
29. Hypochlorite powders	125% 1943	125% 1943	X	
30. Inks	100% 1943	100% 1943	X	
31. Ink eradicators	100% 1943	100% 1943	X	
32. Paints, clear (including shellac) except nitro-cellulose base paints: containers limited to quarts and smaller	100% 1943 (see note)	100% quota glass container		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota in accordance with paragraph (g).				
33. Paints, pigmented except nitro-cellulose base paints; containers limited to one-half pints and smaller	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one pint capacity and smaller may be included in computing quota under paragraph (g).				
34. Paint thinner, including turpentine, paint and varnish removers and linseed oil; excluding thinners for nitro-cellulose products: quart, pint and half-pint containers only.	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
35. Phenols	100% 1943	100% 1943	X	
36. Photographic supplies	100% 1943	100% 1943	X	
37. Poisons	100% 1943	100% 1943		X
38. Polishes, liquid. Furniture, auto, metal and floor polishes, quart and smaller containers only	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
39. Putty	100% 1943 (see note).	100% quota glass containers.		X
NOTE: Only new glass containers of one quart capacity and smaller may be included for purpose of computing quota under paragraph (g).				
40. Polishes not otherwise specified	75% 1943	75% 1943		X
41. Shoe and leather polishes, waxes, dyes, stains and dressings not including liquid or cream shoe white	125% 1943	125% 1943		X
42. Shoe white, liquid or cream	100% 1943	100% 1943		X
43. Soap, liquid or paste	100% 1943	100% 1943		X
44. Solvents—organic solvents and petroleum distillates	100% 1943	100% 1943		X
45. Synthetic resins	100% 1943	100% 1943		X
46. Waxes	100% 1943	100% 1943		X
47. Wood preservatives and/or fillers	100% 1943	100% 1943		X

SCHEDULE IV—COSMETICS AND TOILETRIES

NOTE: Items 3 and 4 amended May 15, 1944.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
1. Cosmetics, solid and semisolid types; such as face creams, hand creams, vanishing creams, deodorant and anti-perspirant creams and cream rouge.	100% 1943	85% quota glass containers.		X
2. Cosmetics and toileteries, fluid or powder; such as deodorants, antiperspirants, shampoos, hair tonics, hair dyes, wave solutions, hair rinses, oral antiseptics, tooth pastes, tooth powders, liquid dentifrices, after shave lotions, liquid soaps, perfumes, toilet waters, face and hand preparations, lotions, fingernail preparations.	100% 1943	50% quota glass containers.		X
3. Soaps, hand	100% 1943	100% quota glass containers.		X
4. Shaving cream	100% 1943	100% quota glass containers.		X

SCHEDULE V—MISCELLANEOUS PRODUCTS

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
1. Artist supplies	100% 1943	100% quota glass containers.		X
2. Candle tumblers	Unlimited	None		
3. Dental floss	100% 1943	100% 1943		X
4. Lighter fluids	100% 1943	100% 1943		X
5. Oils, lubricating and machine. Motor oils to be packed in quarts only	100% 1943	100% 1943		X
6. Tobacco and snuff not including cigars and cigarettes	100% 1943	None		

SCHEDULE VI—BEVERAGES

(The rules set forth in this Schedule are controlling wherever they conflict with any other provisions of Order L–103–b. However, except as modified herein, all provisions of Order L–103–b are applicable)

MALT BEVERAGES

Product: Malt beverages, including only beer, ale, porter, near beer and mixtures thereof.

Glass Containers

(a) *Glass container quota.* 100% of the number of new returnable glass containers which the packer accepted delivery of for malt beverages during 1943—less the number of quota exempt returnable glass containers which were accepted during the period between July 1, 1943 and December 31, 1943.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for malt beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering malt beverages to or for any of the persons listed under paragraph (p) of this order:

(1) *Export shipment.* The full amount of glass containers for delivering malt beverages to or for any such person for shipment to points outside the continental United States.

2. *Domestic consumption.* 8% of the full amount of glass containers for delivering malt beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Note 3).* 115% of the number of new metal closures used for malt beverages during 1943. (Quota exempt closures may not be included in base.)

(d) *Closure material.* (See Note 1) Blackplate (including rejects) as allocated; electrolytic waste-waste, and frozen plate. Hot dipped waste-waste may be used only to make malt beverage closures which are to be exported unused. The export of unused malt beverage closure is exempted from the limitations of paragraph (j) of this order.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L–103–b, except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

NON-ALCOHOLIC BEVERAGES

Product. Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters and unflavored naturally carbonated and still waters (See Note 2); drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk.

Glass Containers

(a) *Glass container quota.* 80% of the number of new glass containers which the packer accepted delivery of for non-alcoholic beverages during 1941.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for non-alcoholic beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering non-alcoholic beverages to or for any of the persons listed in paragraph (p) of this Order.

(1) *Export shipment.* The full amount of glass containers for delivering non-alcoholic beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 8% of the full amount of glass containers for delivering non-alcoholic beverages to or for any such person for use or distribution within the continental United States.

Closures

(c) *Closure quota (See Notes 2 and 3).* 115% of the number of new metal closures *used* for non-alcoholic beverages during 1943 (Quota exempt closures are not to be included in base).

(d) *Closure material (See Note 1).* Blackplate (including rejects) as allocated; electrolytic waste-waste, and frozen plate. Hot dipped waste-waste may be used only to make non-alcoholic beverage closures which are to be exported unused. The export of unused non-alcoholic beverage closures is exempted from the limitations of paragraph (j) of this order.

No closures made of waste may be used in addition to quota, pursuant to paragraph (d) of Order L–103–b except as follows:

(1) Closures made of used cans.

(2) Closures made of used closures and of discs produced in the ordinary course of manufacturing home canning screw bands.

WINES

Product. Wines.
Glass container quota. 100% of 1943.
Closure quota. 50% quota glass containers.
Closure material. Blackplate.

DISTILLED SPIRITS

Product. Distilled spirits, including cordials.
Glass container quota. 100% of 1943.
Closure quota. 50% quota glass containers.
Closure material. Blackplate.

NOTE 1: Permission to accept delivery of used cans made of tinplate or of sheets recovered from such cans or of tinplate slitter or shear trimmings, lithographing lay sheets and discs must be obtained in accordance with Conservation Order M–325.

NOTE 2: Except with regard to items listed in Schedule II, no new metal closures shall be affixed to glass containers smaller than 12 fl. oz. for packing unflavored carbonated natural or mineral waters unless such glass containers were manufactured on or before June 1, 1942.

NOTE 3: No person other than a jobber purchasing for resale shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory beyond 30% of his 1944 quota of such closures. This inventory shall include closures to be used as described in paragraph (p) of this order but not closures made of waste materials described in paragraphs (d) (1) and (2) of this schedule. No separate inventory is permitted for uses described in paragraph (p).

SCHEDULE VII—HOME CANNING CLOSURES

No manufacturer of glass containers shall ship any jars with 70 mm. screw finish, intended for home canning unless at least 40% of such jars shipped during each calendar month are delivered as a unit, consisting of the jar and a "glass lid closure" packed together. A "glass lid closure" is one consisting of a glass lid, a screw band and a top seal jar ring.

Description of closure	Manufacturer's quota	Closure material indicated by X			
		0.50 tinplate	Wire balls	Zinc	Blackplate
1. Top seal metal lids, 70 mm	Unlimited	X			
2. Bands for 70 mm. top seal metal lids	Unlimited	X			
3. Bands for use with 70 mm. glass lids	Unlimited	X			
4. Lightning type	Unlimited		X		
5. Top seal metal lids, smaller than 70 mm	Unlimited	X			
6. One piece metal closures, 70 mm. shoulder seal type.	Unlimited	X			
7. One piece metal closures, 70 mm. top seal type	Unlimited	X			
8. Top seal metal lids larger than 70 mm	From October 1, 1943 to September 30, 1944—6% of production of 70 mm. lids from October 1, 1942 to September 30, 1943.	X			
8a. Bands for top seal metal lids larger than 70 mm	25% of 1944 quota for top seal metal lids larger than 70 mm.	X			
9. Zinc Mason P/L closures, 70 mm	60% 1941 production			X	
10. Jelly glass lids	Unlimited				X

INTERPRETATION 1: Revoked Jan. 4, 1944.

INTERPRETATION 2

GLASS CONTAINER AND CLOSURE QUOTAS

Paragraph (g) sets forth the method for computing a packer's quota of new glass containers or new metal closures. The first step in the process (subparagraph (1) of paragraph (g)) is to take the number of new glass containers or new metal closures used or accepted for packing that product during the named base period. In arriving at this number a packer may not include more containers or closures than he was permitted to accept or use under the provisions of the applicable order in existence at the time. New glass containers or new metal closures accepted or used pursuant to the grant of an appeal are properly included in making the computation. (Issued Apr. 3, 1944.)

[F. R. Doc. 44-6921; Filed, May 15, 1944; 11:35 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L-103-b, Interpretation 3]

GLASS CONTAINER AND CLOSURE QUOTAS

The following interpretation is issued with respect to Supplementary Order L-103-b:

A caterer or restaurateur, who fills glass containers with food which is ready for consumption, for the purpose of delivering it to a plant to be served in in-plant feeding operations, is not a packer within the meaning of the term as defined in paragraph (x) (2) of this order and therefore not subject to the restrictions contained in it. He may properly use the certification contained in Exhibit A in placing his purchase orders if the glass containers are to be used for this purpose only.

Issued this 15th day of May 1944.

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

[F. R. Doc. 44-6927; Filed, May 15, 1944; 11:35 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, as Amended May 15, 1944]

SILVER

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

§ 3286.51 *Conservation Order M-199*—(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, semi-fabricated forms of silver, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one percent of silver by weight. The term does not include alloyed gold produced in accordance with U. S. Commercial Standards CS 51-35 and CS 67-38. The term includes, however, all metal combinations, such as rolled gold plate or gold filled stock, containing more than one-half of one per cent of silver by weight exclusive of the silver content of the karat gold, if any. The term does not include finished silver products except where such products after processing are to be used in a form or style or for a purpose different from that for which they were originally designed or intended. For example, a finished piece of silverware, or jewelry, or a silver coin may be delivered, accepted, and used without further processing for the purpose for which originally designed or intended without restriction under this order. However, if such articles are to be melted down or otherwise processed for different uses, then they must be treated for the purposes of this order as "silver" (as distinguished from finished products) of the particular kind (foreign, domestic, or Treasury) from which the product was originally made. Articles containing silver which have been discarded from the use for which they were originally designed or intended because of obsolescence, defects, or other reasons shall be deemed to be scrap or secondary silver and not finished silver products. Silver findings, including chain, are considered finished silver products. The following items, as well as all other primary and semi-fabricated forms and partially fabricated parts, containing more than ½ of 1 per cent of silver by weight, are not considered finished silver products but are considered silver: ingots, bars, rods, shot, grain, leaf, powder, sheet, wire, strip, tubing, circles, anodes, salts, compounds, mixtures, brazing alloys, and solders. Silver salts, compounds, or mixtures, which are prepared for sale at retail for the personal use of the purchaser and not for use in the manufacture of a product or in a process for commercial sale, are considered finished silver products.

(2) "Domestic silver" means any silver which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions.

(3) "Treasury silver" means any silver which has been held or owned by the United States and has been sold pursuant to the provisions of Public Law 137, approved July 12, 1943.

(4) "Foreign silver" means any silver except that which is either domestic silver or Treasury silver. Scrap generated by manufacturers from the processing of domestic silver or Treasury silver shall also be considered to be foreign silver if it does not remain in the ownership of the manufacturer whose processing operations produced it: *Provided, however,* That domestic silver scrap or Treasury silver scrap produced by suppliers in semi-fabricating operations may be sold by such suppliers to manufacturers as domestic silver casting metal or Treasury silver casting metal.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(6) "Manufacturer" means any person who uses silver by incorporating it physically in the finished products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process. The term shall include any person who furnishes silver to a manufacturer under toll agreement to be processed and returned in semi-processed or finished form.

(7) "Supplier" means any person regularly engaged in the business of importing, smelting, or refining silver, or in the business of selling silver to manufacturers and other suppliers. The term includes any person who may import, smelt, or refine silver for his own use as a manufacturer.

(8) "Put into process" means the first change by the manufacturer in the form of the material from that form in which it was received by him. Putting into process does not include minor initial operations such as marking and does not include any alloying, shearing, cutting, trimming, or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection and testing, nor segregation or earmarking for a specific job or operation. The term also does not include the reclaiming and reforming of scrap.

(9) "Process" means cut, draw, machine, stamp, melt, mix, compound, cast, forge, roll, turn, spin, or otherwise shape or change in form or chemical composition. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(10) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knock-down form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. In all other cases, the term "assemble" shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

(11) The term "deliver" shall not be deemed to include a redelivery of silver to the owner thereof, who is a manufacturer, by a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the delivery under the same circumstances by the owner to the person who alloys or processes the silver for the owner.

(12) The term "accept delivery" shall not be deemed to include acceptance of delivery of silver by the owner thereof, who is a manufacturer, from a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include acceptance of delivery under the same circumstances from the owner by the person who alloys or processes the silver for the owner.

(b) *Restrictions upon sale or delivery of silver by suppliers.* (1) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except to

(i) Another supplier; or

(ii) A manufacturer; or

(iii) The United States; or

(iv) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(2) No supplier shall sell or deliver foreign silver to a manufacturer except to fill orders for uses on List A.

(3) No supplier shall sell or deliver Treasury silver to a manufacturer except to fill orders for uses on List C.

(4) No supplier shall sell or deliver any kind of silver (foreign, Treasury, or domestic) to any person if he knows or has reason to believe such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon sale or delivery of silver by manufacturers.* No manufacturer shall sell or deliver any kind of silver (foreign, Treasury, or domestic) except to:

(1) A supplier; or

(2) The United States; or

(3) Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended.

(d) *Restrictions upon purchase, acceptance of delivery, and processing of foreign silver by manufacturers.*

(1) *Uses on List A.* On and after July 29, 1943, no manufacturer shall purchase, accept delivery of, put into process, or process any foreign silver for any use other than a use on List A.

(2) *Temporary exception.* Notwithstanding the foregoing provisions of this paragraph (d), a manufacturer may continue the processing of any foreign silver which on July 29, 1943, he had already put into process for any use on List B to fill orders rated A–1–a or higher; also, a manufacturer may put into process and process to completion for a List C use any foreign silver owned by him on July 29, 1943, and he may complete the processing of any foreign silver already put into process by him on such date for any such use: *Provided,* That on and after September 6, 1943, no manufacturer may put into process any foreign silver in the manufacture of brazing alloys or solders, but he may complete the processing of any foreign silver already put into process by him on September 6, 1943, for any such use: *Provided, further,* That on and after May 15, 1944, no manufacturer may put into process any foreign silver owned by him on July 29, 1943, in the manufacture of official articles (item 2, List C) except to fill specific approved orders or contracts received and accepted by him prior to May 15, 1944, which call for delivery of a specified number of articles at a fixed price.

(3) *Temporary exception for List D uses.* Notwithstanding the limitations of paragraph (d) (1), a manufacturer may continue the processing of any foreign silver which on May 15, 1944, he had already put into process for any use on List D to fill orders rated AA–5 or higher; and he may purchase, accept delivery of, put into process, and process to completion for any use on List D any foreign silver required to fill specific orders rated AA–5 or higher received and accepted by him prior to May 15, 1944, which call for delivery of a specified number of articles at a fixed price.

(e) *Restrictions upon purchase, acceptance of delivery, and processing of Treasury silver by manufacturers.* No manufacturer shall purchase, accept delivery of, put into process, or process Treasury silver except for a use on List C.

(f) *Authorization to purchase Treasury silver from the United States.* Purchases of Treasury silver from the United States pursuant to Public Law 137, approved July 12, 1943, shall be made only upon specific authorization of the War Production Board. Any supplier or manufacturer desiring such authorization may apply by letter to the War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Reference: M–199, not later than the 15th day of the month preceding the month in which delivery of the Treasury silver is desired. In such letter the applicant, in addition to other pertinent information, shall state the nature of his business and the intended use of the silver in terms of the uses specified on List C.

(g) (1) *Restrictions upon the purchase, acceptance of delivery, and processing of domestic silver for List B uses.* In any calendar quarter after July 1, 1943, until further notice, no manufacturer shall purchase, accept delivery of, or put into process domestic silver for uses on List B in excess of ⅛ of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by such manufacturer for List B uses and for item 2 of List C uses (official articles) during the calendar year 1941 or the calendar year 1942, whichever year is the greater: *Provided, however,* That such manufacturer, in computing his quota of domestic silver under the foregoing provision, shall deduct from the said aggregate amount put into process by him for List B uses and for item 2 of List C uses (official articles) for the year 1941 or 1942, as the case may be, the aggregate amount by weight of silver (fine silver content, troy ounces) put into process by him in such year for List B uses and for item 2 of List C uses (official articles) to fill orders rated A–3 or higher, and the aggregate amount by weight (fine silver content, troy ounces) of sales made by him in such year of silver scrap or silver waste material resulting from the processing of silver for List B uses and for item 2 of List C uses (official articles), exclusive of orders rated A–3 or higher.

(2) *Quota restrictions under toll agreements.* In any case where prior to January 1, 1943, a manufacturer furnished silver to another manufacturer under toll agreement to be processed and returned in semi-processed or finished form, the manufacturer who furnished the silver, and not the manufacturer who did the processing under toll agreement, shall be considered, for the purpose of computation of domestic silver quotas under the provisions of paragraph (g) (1), as having put into process the silver involved. On and after November 10, 1943, where one person furnishes silver to another under toll agreement to be processed and returned, the same considerations shall apply in determining whose quota should be charged as between the person who furnishes the silver and the one who processes it: that is, the quota of the person who furnishes the silver shall be charged and not that of the toll processor.

(3) *Assignability of quotas.* Domestic silver quotas may not be assigned except as provided in § 944.28, Priorities Regulation No. 7A.

(4) *No quota restrictions on domestic silver for other than List B uses.* A manufacturer may purchase, accept delivery of, put into process, and process domestic silver without regard to the quota limitations of paragraph (g) (1) for any use on List A, any use on List C, any use on List D or any unlisted use.

(h) *Special exception as to domestic silver.* The restrictions of this order as to the purchase, acceptance of delivery, and processing of domestic silver for List B uses shall not apply to any manufacturer:

(1) Who is a hand-tool manufacturer. For the purpose of this exception, the term "hand-tool manufacturer" means a manufacturer who, insofar as his manufacturing activities are concerned, is engaged exclusively in the manufacture of silver products and who neither manufactures nor sells any silver products except those products all the silver parts of which (including findings, such as chain, if any) he himself has manufactured completely, performing all of the processing operations from the primary raw material form to the finished product in his own plant, using hand tools exclusively at each and every stage of the processing (that is, without the use of dies, jigs, or molds, or any mechanical apparatus whatsoever, such as mechanically operated spinning or turning wheels or lathes, presses, grinders, jig saws, band saws, or cutters, whether operated by hand, foot, or other power). The term "primary raw material form" means and includes only the following: ingot, bar, rod, sheet, wire and strip. It does not include so-called "blanks" in any form. This exception is subject to each and all of the following further restrictions:

(i) This exception shall not apply to any person unless he was a manufacturer of silver products using hand tools exclusively within the limitations of paragraph (h) (1) as in effect prior to May 15, 1944, throughout at least six months of 1943;

(ii) No hand-tool manufacturer may purchase, accept delivery of, or put into process any domestic silver under this exception for the period between May 15, 1944, and July 1, 1944, and in any calendar quarter thereafter in excess of the following quota: either 500 troy ounces or 25 percent of the aggregate amount by weight of all domestic silver, computed on the basis of the fine silver content thereof in troy ounces, purchased by such hand-tool manufacturer in the calendar year 1943, for use by him in the manufacture of List B items, using hand tools exclusively, whichever is the smaller amount; concerns which are owned, controlled or financed by the same person, or substantially the same person or persons, shall be deemed to be a single manufacturer entitled only to a single quota;

(iii) No hand-tool manufacturer may process silver for others under toll agreement nor may he have any of the manufacturing operations on his own products performed for him by others under toll agreement; except that toll manufacturing operations, using hand tools exclusively, on domestic silver already in process may be continued to completion or July 1, 1944, whichever is earlier;

(iv) No manufacturer, whether or not a "hand-tool manufacturer", who has more than 300 troy ounces (fine silver content) domestic silver in process on May 15, 1944, which silver was put in process for List B uses under the provisions of paragraph (h) (1) as in effect prior to May 15, 1944, shall continue the processing of any such in process silver after June 30, 1944, unless such manufacturer has an available quota of domestic silver for the calendar quarter beginning July 1, 1944, under paragraphs (g) (1), (h) (1) (ii), or (h) (2) (iv) and deducts from such quota any amount of such in process silver he continues to process after June 30, 1944; or

(2) Who meets each and all of the following requirements:

(i) He was engaged in the silver manufacturing business throughout the year 1941;

(ii) His gross receipts in the year 1941 from the sale of silver products did not exceed $25,000;

(iii) He continues to engage in the silver manufacturing business, and to have at all times not more than five persons at one time, excluding all clerical employees, working in such business, each of which persons is either over the age of 50 years or is physically incapacitated from performing ordinary factory labor; and

(iv) His gross sales of silver products for the calendar year 1943 and for each calendar year thereafter do not exceed $35,000 per year, *Provided, however,* That in no event shall he purchase, accept delivery of, or put into process domestic silver for List B uses in any calendar quarter under this exception (h) (2) in excess of 25 per cent of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by him for List B uses during the calendar year 1941.

For a manufacturer to be engaged in the "silver manufacturing business" as the term is used in paragraph (h) (2), at least 75% of the gross receipts of such manufacturer in the year 1941 and succeeding years from products of all kinds sold by him (including products sold but not manufactured by him) shall have been derived from the sale of silver products manufactured by him. A silver product is one in which silver is physically incorporated and in which the amount of contained silver is greater either in weight or in value than any other single material, excluding precious or semi-precious stones, contained in such products.

The exceptions set forth in paragraphs (h) (1) and (h) (2) are intended for the benefit only of manufacturers who operate on a small scale, making and selling a limited number of products all of the List B variety. Accordingly, a manufacturer who purchases, accepts delivery of, or puts into process silver for any use other than a List B use is not entitled to purchase, accept delivery of, or put into process any silver under either of these exceptions. Furthermore, no manufacturer shall be entitled to operate under either of these exceptions and at the same time to purchase, accept delivery of, and put into process silver under the quota provided in paragraph (g) (1). Finally, these exceptions themselves are mutually exclusive: a hand-tool manufacturer, who purchases and uses silver under paragraph (h) (1), cannot also purchase and use silver under paragraph (h) (2), even though he can meet the requirements of paragraph (h) (2); and conversely, a manufacturer, who purchases and uses silver under paragraph (h) (2), cannot purchase and use silver under paragraph (h) (1) even though he meets the qualifications of a hand-tool manufacturer.

(i) *Special directions as to distribution of foreign, Treasury, and domestic silver.* From time to time the War Production Board may issue special directions to individual suppliers and manufacturers, specifying the sources, destinations, and amounts of silver (foreign, Treasury, or domestic) to be delivered or acquired by them.

(j) *Restrictions on holding of scrap silver.* (1) No manufacturer shall purchase or accept delivery of silver of any kind (foreign, domestic, or Treasury) if he has on hand more than a thirty days' accumulation of scrap silver, exclusive of wastes, such as mirror wastes, polishings, and sweepings, whether foreign, Treasury, or domestic, or any combination thereof, unless such accumulation aggregates less than 1,000 ounces, fine silver content.

(2) No manufacturer shall have scrap melted, reformed, and redelivered to him under toll agreement if by such redelivery his inventory of silver will be in excess of a minimum practicable working inventory, taking into consideration the orders on his books requiring use of silver and the limitations placed upon the use of silver by this order.

(k) *Fungibility of silver stocks recognized.* Although this order deals with three kinds of silver (foreign, Treasury, and domestic) which are separately defined, and imposes restrictions which vary in their application as among these kinds of silver, it is recognized that all three kinds of silver are physically identical. Accordingly, nothing in this order shall be deemed to require any person holding two or more kinds of silver to keep the various kinds physically segregated. It is also understood that a person who holds only one kind of silver at a particular moment may be called upon to deliver or to use another kind of silver. In such cases, the person holding the one kind of silver may change part or all of his stock of such silver to silver

of another kind simply by selling part of his stock to a supplier, ordering an equivalent amount, silver content, of the different kind of silver required for his purposes and paying or receiving the difference in price. For the purposes of this order, physical delivery to the supplier of the silver being sold and physical delivery by the supplier of the different kind of silver being purchased are not required in order to change the character of the silver involved from the kind in stock to the kind being purchased. The form of the silver can also be disregarded. For example, a manufacturer with partially processed stocks of foreign silver which he cannot finish for List B uses under the restrictions of the order, can purchase domestic silver bars having a silver content equal to the silver content of the partially processed silver, sell those same bars back to the supplier as foreign silver, pay the difference in price, and then consider that the partially processed silver is domestic silver and may be further processed for List B uses as permitted by the order. Any purchasing or processing of domestic silver under the provisions of this paragraph for uses on List B must, however, be within the quota limitations of paragraph (g) hereof. Furthermore, at no time shall any person sell silver of any kind in excess of the amount of silver of that kind, fine silver content, owned by him. For the purposes of this order, silver owned by a person shall be deemed to include, in the case of suppliers only, silver which such supplier has contracted to purchase under a firm written contract calling for the delivery of a specific amount of silver of a specific kind within a specific period, not exceeding five months from the date of the contract.

(l) *Use certificate.* No supplier shall deliver any silver (foreign, Treasury, or domestic) to any manufacturer, and no manufacturer shall accept delivery of any silver from any supplier, unless the manufacturer shall have furnished the supplier with a certificate specifying the end use of such silver in terms of the uses specified on List A, List B, List C, and List D. Such certificate may be placed on or attached to the purchase order, and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

Pursuant to Conservation Order M-199, the undersigned hereby certifies to the supplier and the War Production Board that the silver covered by the accompanying order (and all silver purchased from the supplier under orders placed in the future) shall be used solely for the following purposes: _____

_____

_____

_____
(Name of purchaser)

Date_____ By_____
(Signature and title of duly authorized officer)

In appropriate cases one certificate may cover the use of silver to be delivered under orders to be placed with such supplier in the future. Such certificate shall constitute a representation to, but shall not be filed with, the War Production Board. The supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(m) *Exceptions*—(1) *United States Government.* None of the restrictions in this order as to sale, purchase, delivery, acceptance of delivery, or use of silver shall be applicable to the United States Government or any of its departments or agencies: *Provided, however,* This exception shall not be deemed to extend to a manufacturer who manufactures items for delivery to or for the account of the United States Government or any of its departments or agencies. An item is not deemed removed from the list of restricted uses simply because it is to be manufactured for delivery to or for the account of the United States Government or any of its departments or agencies.

(2) *Repair.* The restrictions of this order as to the putting into process and the processing of foreign, Treasury, or domestic silver shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use silver weighing in the aggregate more than 3 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair. The term "repair" as used in this paragraph shall include the replating of used articles, provided the article was originally made of silver or silver-plated material.

(n) *Limitations of inventories.* No manufacturer shall accept delivery of silver, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of silver by this order.

(o) *Restrictions on sale and purchase of manufactured products*— (1) *General.* No person whether manufacturer, wholesaler, jobber, distributor, dealer, retailer, or consumer, shall sell, purchase, deliver, or accept delivery of any article made in whole or in part of silver if he knows or has reason to believe that it was made, assembled, or delivered contrary to the restrictions contained in this order.

(2) *Official articles.* Notwithstanding § 944.11 of Priorities Regulation No. 1, no manufacturer shall sell or deliver official articles except to the person from whom the manufacturer received the order or contract on which the articles were manufactured. However, if any manufacturer holds any official articles which he is unable to deliver to such person, because of cancellation or cut-back of the order or contract, or because of over-run, or rejection, such manufacturer, if he has a domestic silver quota under paragraph (g) (1), following the procedure described in paragraph (k), may convert the identity of the silver content of the articles into domestic silver within the limitations of such quota, and thereafter dispose of them without restriction as List B items.

NOTE: Paragraphs (p) and (q), formerly (o) and (p), redesignated May 15, 1944.

(p) *Reports.* Each supplier and each manufacturer and every other person affected by this order shall file such reports as may be requested from time to time by the War Production Board, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(q) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(2) [Deleted May 15, 1944]

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C. Ref: M-199.

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

Issued this 15th day of May 1944.

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

LIST A: *Permitted uses of foreign silver under Conservation Order M-199—these are the only uses permitted for foreign silver; domestic silver is also permitted for these uses without limit; Treasury silver (except in the form of brazing alloys or solders) is not permitted at all for these uses:*

1. Manufacture of medicines and health supplies, including, without limitation, dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.

2. Manufacture of photographic film, photographic papers, and photographic chemicals, and use in any photographic process.

3. Manufacture of electrical contacts and other silver products or parts used for electrical current carrying purposes.

4. Manufacture of any product or use in any process to fill orders bearing a preference rating of AA–5 or higher, except uses on List B, List C, or List D.

5. Use of brazing alloys or solders manufactured of foreign silver prior to July 29, 1943, or manufactured since that date pursuant to the temporary exception set forth in paragraph (d) (2), for any purpose except a use on List B.

6. Use by a laboratory. "Laboratory" means any person engaged in the business of carrying on scientific or technological investigation, testing, development or experimentation, to the extent that he is so engaged. The term includes research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. It does not include any person to the extent that he is engaged in the manufacture of products for commercial sale, even though the place in which the products are manufactured may be called a laboratory.

LIST B: *Restricted uses of silver under Conservation Order M–199—regardless of rated orders, only domestic silver is permitted for these uses and then only within the quota limitations of paragraph (g) (1); foreign silver and Treasury silver are not permitted at all for these uses:*

1. Manufacture of silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vases, cups, candlesticks, and all other kinds of flatware and hollow ware and table, kitchen, and decorative utensils and objects, including silver deposit china or glassware, except glass liners or fillers for vacuum jugs and bottles.

2. Manufacture of watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry, and other articles of personal adornment, except push-pins for wrist watches. The term jewelry also includes personal accessories of all kinds such as bags, compacts, vanity cases, cigarette cases, cigarette holders, lighters, souvenirs, cuff links, pins, and clasps.

3. Manufacture of articles of identification, including discs, chains, and cords, and emblems, badges, and insignia other than official articles. What is meant by "official articles" is set forth in item 2 of List C.

4. Manufacture of church goods as defined in General Limitation Order L–136.

5. Manufacture of slide fasteners, hooks and eyes, snaps, buttons, clips (except for fountain pens and mechanical pencils), buckles, and fasteners of every description.

6. Manufacture of closures for containers.

7. Manufacture of pens and pencils, except the nibs, interior tubes, filling mechanisms, clips, and reinforcing cap-rings or bands of fountain pens, and the tips, interior operating mechanisms, clips, and reinforcing bands of mechanical pencils.

8. Manufacture of toilet articles and picture frames.

9. Manufacture of musical instruments, except strings for stringed instruments.

10. Electroplating and all other kinds of silver deposit processes, silver inlay work, and all other processes for the covering of another material in whole or in part with silver, except where essential for the operation or functioning of the part or article to which the silver is applied.

11. Manufacture of findings, including chain, for any List B use.

LIST C: *Permitted uses of Treasury silver under Conservation Order M–199—these are the only uses permitted for Treasury silver; domestic silver without regard to quota limitations of paragraph (g) (1) is also permitted for these uses; foreign silver (except as temporarily permitted under paragraph (d) (2) is not permitted at all for these uses:*

1. Manufacture of bearing material, bearings, and parts of bearing assemblies.

2. Manufacture of official articles. The term "official articles" means:

(a) Metallic insignia designating rank, branch of service, and "U. S." manufactured in accordance with official regulations on approved orders or contracts;

(b) Embroidered insignia, lace, stripes, or braid manufactured in accordance with official regulations, on approved orders or contracts, or on orders or contracts placed by producers of officers' uniforms, as the term "producer" is defined in Preference Rating Order P–131, as amended, for use as provided in P–131; and

(c) Decorations, medals, badges, and qualification bars (including jump rings) manufactured in accordance with official regulations, on approved orders or contracts bearing preference ratings of AA–5 or higher.

(d) Identification neck-chains manufactured on orders or contracts for the Navy Department, on Navy orders or contracts, or on orders or contracts placed by Ship's Service Stores, each article having a total length of 28 inches and a total weight, including hooks and fasteners but excluding identification tags, of not to exceed one-half troy ounce.

For the purposes of this item 2 of List C, the term "approved orders or contracts" means orders or contracts for:

(i) War Department, placed by the Quartermaster General;

(ii) Navy Department, on Navy orders or contracts, or on orders or contracts placed by Ship's Service Stores, Naval Uniform Service, Inc., or Women's Naval Uniforms, Inc., or by such other outlets as the War Production Board shall specify from time to time under Limitation Order L–131 at the request of the Bureau of Supplies and Accounts of the Navy Department.

(iii) U. S. Marine Corps, placed by the Headquarters Exchange Officer of the United States Marine Corps or by Marine Corps Post Exchanges, when authenticated by the Headquarters Exchange Officer;

(iv) Coast Guard, placed by the Coast Guard Supply Depot;

(v) U. S. Coast and Geodetic Survey, placed by the Director of the U. S. Coast and Geodetic Survey or by the Division of Purchases and Sales of the Department of Commerce;

(vi) U. S. Public Health Service, placed by the U. S. Service Exchange of the U. S. Public Health Service;

(vii) The War Shipping Administration, placed by the Chief Procurement Officer of the Training Organization of the War Shipping Administration.

3. Manufacture of brazing alloys.

4. Manufacture of solders.

5. Use of brazing alloys or solders manufactured of Treasury silver for any purpose except a use on List B.

6. [Deleted Nov. 10, 1943]

LIST D: Ex-quota uses of domestic silver under Conservation Order M–199—regardless of rated orders, only domestic silver is permitted for these uses but the quota limitations of paragraph (g) (1) do not apply; foreign silver, except on a temporary basis (paragraph (d) (3)), and Treasury silver are not permitted at all for these uses:

1. Manufacture of mirrors.

2. Manufacture of glass liners or fillers for vacuum jugs and bottles.

3. Manufacture of push-pins for wrist watches.

4. Manufacture of nibs, interior tubes, filling mechanisms, clips, reinforcing caprings or bands of fountain pens and tips, interior operating mechanisms, clips, and reinforcing bands of mechanical pencils.

5. Manufacture of strings for musical instruments.

INTERPRETATION 1

Conservation Order M–199 imposes certain quota limitations upon the amount of domestic silver which a manufacturer may put into process for List B uses. In many silver manufacturing processes, a manufacturer starts with a certain amount of silver in primary shapes and ends the operation with a large part of such silver in the form of scrap. It is customary for the manufacturer in these cases to have this scrap melted, rolled, or otherwise processed so as to return it to a primary shape in which it can again be subjected to manufacturing processes. This reforming of the silver scrap in some instances is done by the manufacturer himself, in other instances the work is done by others under toll agreement. The question has been presented under these quota limitations as to whether the processing of this reformed scrap must be considered as coming within this meaning of the term "put into process" or whether such processing of reformed scrap shall be considered as only the continuation of a processing operation which began when the manufacturer processed for the first time in any form for a List B use the specific amount of silver from which such scrap was produced.

It is hereby determined that for the purposes of the quota limitations of Order M–199, the term "put into process" shall be deemed to cover only the manufacturer's first processing for a List B use of a given amount of silver. It shall not be deemed to cover the subsequent processing of reformed scrap produced therefrom, whether such reforming is done by the manufacturer himself or by others for him under toll agreement. The term shall be deemed to cover, however, the first processing for a List B use of reformed scrap which was produced from putting silver into process for a use which is not on List B.

This interpretation supersedes Interpretation 1 of Conservation Order M–199 issued September 1, 1942. (Issued Nov. 10, 1943.)

INTERPRETATION 2

(a) It is customary for many silver manufacturers to ship the scrap they produce to a supplier under toll agreement for reforming and return. As suppliers and manufacturers are bound by the restrictions of the order as to the amount of silver, foreign, domestic, and Treasury, they may sell, purchase, deliver, and accept delivery of, for the various uses listed in the order, and as these toll transactions are in effect excepted from such restrictions, it is important that the amount of silver shipped by the supplier, which purports to be the return of silver reclaimed from the scrap, have a real relation to the amount of scrap sent in by the manufacturer. However, much time would be lost if the supplier were required to wait until he has reclaimed, refined, and reformed the scrap before returning anything to the manufacturer.

Accordingly, it is hereby determined that a supplier may ship the estimated silver content of the scrap to a manufacturer immediately upon his receipt of the scrap, without waiting for the scrap to be reclaimed, refined, and reformed. Furthermore, it is recognized that in cases where a manufacturer makes frequent shipments of scrap to a sup-

plier, it is impossible as a practical matter for the supplier to know at all times that he has not shipped to that manufacturer more silver than the silver content of the scrap the manufacturer has shipped to him. In such cases it will be sufficient if the supplier will check his accounts at least once every 30 days and make sure that his total shipments of silver to any such manufacturer against scrap received have not exceeded the silver content of the scrap received from such manufacturer.

(b) Under the provisions of paragraph (m) (1), the United States Government, its departments and agencies are excepted from the restrictions of the order as to the sale, purchase, delivery, acceptance of delivery, and use of silver. This exception applies to the requirements of paragraph (1) dealing with the "use certificate." Such certificate is not required in the case of silver deliveries by a supplier to the United States Government or one of its departments or agencies.

In this same connection, a question has been raised as to whether or not this exception will permit brazing alloys and solders ordered by the Government or one of its departments or agencies to be made out of foreign silver contrary to the restrictions of paragraph (d). This exception is designed to relieve only the Government from the restrictions of the order—not the persons who manufacture items for delivery to the Government. Hence manufacturers of brazing alloys and solders are not relieved from the restrictions of paragraph (d) even though such alloys and solders are to be delivered to the Government. (Issued Nov. 10, 1943.)

[F. R. Doc. 44-6928; Filed, May 15, 1944; 11:34 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-73, as Amended May 13, 1944]

WOOL

§ 3290.286 *Conservation Order M-73*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Angora goat (mohair) or the Cashmere goat, camel, alpaca, llama, vicuna, and related fibers, including carpet wool, but does not include noils, waste, tanners' wool waste, reprocessed or reused wool, or yarn or cloth;

(2) "Waste" means the by-product resulting from carding, combing, spinning and subsequent operations on any system, but does not include the by-product resulting from scouring and carbonizing operations;

(3) "Put into process" means:

(i) On the worsted system, the first operation of drawing after combing;

(ii) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding, as the case may be;

(iii) On the woolen, felt, or any other system not using tops, the first operation after scouring, carbonizing, dusting or similar cleaning or preparatory process;

(4) [Deleted Nov. 19, 1943]

(c) *Restrictions.* (1) No person shall put into process any wool other than carpet wool or mohair for the manufacture of any floor covering.

(2) No person shall put into process or use any alpaca or tops therefrom (except alpaca seconds, llama, huarizo, pieces, low offsorts or locks), except for the manufacture of yarns or cloth to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(3) No spinner shall deliver on an unrated order any knitting yarn which he puts into process in the period from May 21, 1944 through July 30, 1944. He shall in that period produce at least the same proportion of knitting yarn to all other Bradford yarn as he produced in the first calendar quarter in 1944.

In this subparagraph "yarn" means yarn containing any wool, produced on spinning, twister or roving frames on the Bradford system, "spinner" means a person who in the first calendar quarter in 1944 produced such knitting yarn for use by himself or others, and calculations are in pounds.

(d) *Prohibition against sales or deliveries.* No person shall sell, deliver, or accept any material if he knows, or has reason to believe, such material is to be used in violation of this order.

(e) *General exceptions.* The restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning and weaving of the cloth.

(f) *Equitable distribution.* It is the policy of the War Production Board that wool, noils, waste, tanners' wool waste, and reprocessed or reused wool, and yarns, cloth, felts and products containing any of the foregoing, not required to fill rated orders, shall be distributed equitably. In making such distribution due regard shall be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(g) *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.

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

(i) *Reports.* Every person classified below, to whom the form is sent by the War Production Board or by the Bureau of the Census, shall, within the period specified in the reporting form, file with the War Production Board, or the Bureau of the Census, whichever is specified in the form, each form applicable to him, giving the information required, as follows:

Who shall file:	*Form Number*
1. A person in the business of putting into process wool or wool tops, or who has wool or wool tops put into process by another for his account.	WPB-2857 (formerly PD-274).
2. A person in the business of operating woolen, worsted or felting machinery.	WPB-2857, WPB-1420.
3. An owner, or a consignee from a grower, of wool, noils, waste, tanners' wool waste, reprocessed or reused wool.	WPB-295, WPB-370.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-73.

NOTE: The reporting requirements of this order have been approved by the Bureau of

the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of May 1944.

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

[F. R. Doc. 44-6862; Filed, May 13, 1944; 11:14 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-338, as Amended May 15, 1944]

PENICILLIN

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

§ 3293.486 *Allocation Order M-338*—(a) *Definitions.* For the purpose of this order:

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

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

(b) *Restrictions on delivery and use.* (1) Any supplier must obtain specific written authorization of the War Production Board to use or deliver penicillin, except in the case of (i) deliveries of samples to the Food and Drug Administration, Washington, D. C., and (ii) use by any producer of samples of his own production for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture and stability. No person shall accept delivery of any penicillin which he knows, or has reason to believe, is delivered in violation of this order.

(2) The War Production Board at its discretion may at any time issue special directions with respect to use, delivery or production of penicillin by any person.

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

(2) Normally the War Production Board will issue its authorizations and directions with respect to use or deliveries of penicillin on Form WPB-2947 and will, so far as practicable, return such form containing its authorization or direction prior to the beginning of the month for which authorization to use or deliver is sought.

(3) In the event that any person shall be unable, for any reason, to use or deliver penicillin in accordance with the authorization or direction of the War Production Board, such person shall immediately give notice to the War Production Board, and shall not, in the absence of further specific authorization or direction from the War Production Board use or dispose of the penicillin.

(4) Each producer shall file an additional report, also on Form WPB-2947 as provided in the instructions in Exhibit B annexed hereto. This report is for the purpose of advising the War Production Board as to the exact distribution which has been made of penicillin produced during the preceding calendar month. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(d) *Penicillin for civilians.* From the total supply of penicillin each month the War Production Board in Washington may allocate an aggregate quantity from each supplier for delivery for general civilian distribution, subject to further allocation to specific customers by the War Production Board from the Regional Office in Chicago. This suballocation will usually be from the suppliers to hospitals. Hospitals shall submit application on Form WPB-3725 to the Civilian Penicillin Distribution Unit, WPB Regional Office, 226 West Jackson Blvd., Chicago 6, Illinois, and these applications will be screened and transmitted to the suppliers with a War Production Board authorization for shipment. Shipments will then be made accordingly by the suppliers from the aggregate quantities allocated by the War Production Board in Washington for civilian distribution.

NOTE: Paragraph (e), formerly (d), redesignated May 15, 1944.

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

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

(3) *Communications to War Production Board.* (i) Communications to the Civilian Penicillin Distribution Unit shall, unless otherwise directed, be addressed to: Civilian Penicillin Distribution Unit, WPB Regional Office, 226 West Jackson Blvd., Chicago 6, Illinois.

(ii) All other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-338.

Issued this 15th day of May 1944.

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

EXHIBIT A

INSTRUCTIONS TO SUPPLIERS FOR PREPARING AND FILING APPLICATIONS

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

Time. Applications on Form WPB-2947 (formerly PD-602) shall be filed in time to ensure that copies will have reached the War Production Board on or before the 25th day of the month preceding the month for which authorization to use or deliver is requested.

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

Number of sets. If a supplier requires authorization for delivery or use of both crude penicillin and penicillin in dosage forms, a separate set of applications shall be filed for each.

Heading. Under name of material specify either "crude penicillin in any form" or "penicillin in dosage forms", as the case may be; under War Production Board order number, specify "M-338"; leave grade space blank; specify the month and year for which delivery or use is sought; specify the unit of measure as "Oxford Units"; and otherwise fill in as indicated.

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

Leave blank columns relating to rolling stock.

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

EXHIBIT B

INSTRUCTIONS TO SUPPLIERS FOR PREPARING AND FILING MONTH-END REPORTS AS TO ACTUAL DISTRIBUTION

Time. The month-end delivery report on Form WPB–2947 shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–338, in time to reach the War Production Board not later than the 5th day of the month succeeding the month for which the report is made.

Number of copies. Only a single copy, properly signed, need be filed with the War Production Board, but the supplier should retain a duplicate copy.

Number of sets. If a supplier produces or delivers both crude penicillin and penicillin in dosage forms in any month, a separate report shall be filed for each.

Heading. The same information shall be given as specified in Appendix A with respect to the heading of the form filed for authorization to use or deliver except that under the heading "This schedule is for deliveries to be made during the month/quarter ending ---------, 19 ", strike out the words "to be" and "quarter" and specify the month and year for which the report is made.

Table I. Change the heading of column 4 to read "quantity delivered". In column 1, list each customer, (including the supplier, with respect to any penicillin which the War Production Board has specifically authorized him to retain or use) to whom deliveries were made during the month covered by the report and in column 4 indicate the quantity actually delivered to each such customer. No listing need be given for deliveries made to the Food and Drug Administration or for quantities used by the supplier for making production control and standardization tests as permitted by paragraph (b) (1) of this order. In all other respects Table I may be left blank.

Table II. This table may be left blank.

[F. R. Doc. 44–6929; Filed, May 15, 1944; 11:34 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L–54–a, as Amended May 15, 1944]

TYPEWRITERS

Conversion Order L–54–a, as amended April 22, 1944, is redesignated Limitation Order L–54–a, and is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the materials and facilities used in the production of typewriters 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:

§ 3302.6 *Limitation Order L–54–a*—(a) *Definitions.* For the purpose of this order:

(1) "Manufacturer" means any person manufacturing typewriters, including sales and distribution outlets controlled by such a person.

(2) "Dealer" means any wholesaler, retailer or other distributor of typewriters, other than sales and distribution outlets controlled by a manufacturer.

(3) "Importer" means any person who imports typewriters into the United States for sale and distribution in the United States.

(4) "Typewriter" unless expressly otherwise stated, means non-portable and portable typewriters (including noiseless and electric types), and unless expressly otherwise stated, refers only to new typewriters. The term shall not include: billing machines (accounting principle); continuous forms handling machines, typewriter principle, having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; telegraphically controlled typewriters; braille typewriters; toy typewriters; office composing machines, linotype machines or monotype machines. The term "new typewriters" means any typewriter which has never been delivered to a person acquiring it for use. This does not include rebuilt typewriters.

(5) "Sets of parts" means parts for typewriters fabricated at plants in the United States for shipment to foreign countries for assembly into typewriters.

(6) "Repair parts" means typewriter parts produced by a manufacturer to use or sell for repairing and servicing of typewriters.

(b) *Restrictions on production.* Manufacturers may produce typewriters or sets of parts only in accordance with written instructions from the War Production Board. Production will be authorized so that the total production will not exceed the approved War Production Board program and so that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant or in any other plant located in the same area.

(c) *Restrictions on delivery.* Manufacturers may deliver new typewriters only to persons who are authorized by the War Production Board in writing to receive them. Importers may deliver imported new non-portable typewriters only to persons who are authorized in writing to receive them. Persons who want authorization to receive new typewriters for export should submit Form WPB–1319 to the Foreign Economic Administration, Washington 25, D. C. Non-military agencies of the United States Government which want authorization to receive new typewriters should submit Form WPB–1319, to the Procurement Division of the United States Treasury. All other non-military applicants should submit Form WPB–1319 to the nearest field office of the War Production Board. Instead of using Form WPB–1319, the Army of the United States, the Navy of the United States, and the United States Maritime Commission should continue to use the same method of requesting authorization to receive new typewriters which they were using when this order was amended on May 15, 1944.

Applications on Form WPB–1319 should be made in accordance with the official instructions for the use of the form. These instructions can be obtained from any War Production Board office. In the alternative, until June 1, 1944, applications may be submitted to the War Production Board at Washington on Form WPB–1688 instead of Form WPB–1319. These forms of application have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

When a person has been authorized to receive delivery of a new typewriter, the manufacturer or importer of the typewriter may make delivery to him either directly or through a dealer.

In the past the delivery of second-hand typewriters and some new typewriters has been controlled by the Office of Price Administration. Control of deliveries of new typewriters owned by dealers, and of deliveries of all second-hand typewriters, including rebuilt typewriters, has been discontinued. Deliveries of new typewriters by manufacturers will continue to be controlled by the orders of the War Production Board instead of the orders of the Office of Price Administration.

(d) *Sequence of deliveries.* Regardless of Priorities Regulation No. 1, when authorized pursuant to the preceding paragraph, deliveries of each model of typewriter must be made in the order indicated by the delivery dates specified in the approval forms or other authorizations, unless the War Production Board specifically tells a manufacturer or importer in writing to do something else. If a manufacturer or importer receives two or more authorizations requesting the same delivery date for the same model of typewriter, and cannot make all deliveries on time, he must deliver them in the order in which the authorizations were received by him. If an authorization requests delivery before the date on which the authorization is received by the manufacturer or importer, the order must be treated as if the de-

livery date requested was the day when the authorization was received by the manufacturer or importer.

(e) *Shipment of sets of parts by manufacturers.* Manufacturers may ship sets of parts to foreign countries only in accordance with written instructions from the War Production Board. Those who wish to make such shipments may apply by letter to the War Production Board for authorization to do so.

(f) *Inventories of repair parts.* No manufacturer may produce more repair parts than he needs to produce in order to maintain a practicable minimum working inventory of them. This is the only restriction in this order which applies to repair parts.

(g) *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.

(h) *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, with the exception of those provisions of Priorities Regulation No. 1 inconsistent with paragraph (d).

(i) *Appeals.* A request for relief from the provisions of this order may be made by filing a letter referring to the pertinent provisions of the order and stating fully the grounds for the request.

(j) *Communications.* All communications concerning this order should be addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L–54–a.

Issued this 15th day of May 1944.

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

[F. R. Doc. 44–6922; Filed, May 15, 1944; 11:35 a. m.]

Subchapter C—Director, Office of War Utilities

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 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U–1–c as Amended May 15, 1944]

§ 4500.4 *Supplementary Utilities Order U–1–c*—(a) *Permission to build certain extensions.* In accordance with the provisions of paragraph (i) of Utilities Order U–1, extensions of electric facilities may be made or connected by producers to permit the operation of farm production equipment when all of the following conditions are satisfied:

(1) The prospective consumer possesses one of the following types of electric farm equipment of sufficient capacity for the use contemplated, or can obtain such equipment without priorities assistance, or a preference rating of AA–5 or better has been assigned to deliveries of such equipment to him:

(i) Water pump for livestock.
(ii) Milking machine.
(iii) Milk cooler.
(iv) Incubator.
(v) Brooder.
(vi) Feed grinder.
(vii) Milk sterilizer.

(2) There is no other means of operating such equipment on the premises.

(3) The length of such extension, including any part built by or for the consumer, will not exceed 100 feet per animal unit, determined in accordance with Schedule I annexed hereto.

(4) The prospective consumer will use electric service to operate equipment for farm production and has livestock on hand aggregating not less than five animal units, determined in accordance with Schedule I of this order.

(5) Primary and secondary lines and service drops will be constructed of the following types and sizes of conductor:

(i) Any type or size having conductivity equal to or less than that of No. 6 AWG copper, or

(ii) Any type or size of conductor which can be obtained from the excess inventory of any producer.

(6) The prospective consumer's application for service is accompanied by a certification from his County Agricultural Conservation Committee in substantially the following form:

(To the Utility Addressed):

Mr. _____, who has livestock on hand aggregating not less than five animal units is eligible for an electric connection of _____ feet under the terms of Supplementary Utilities Order U–1–c. In the opinion of this County Agricultural Conservation Committee this connection will result in a substantial increase in farm production, or a substantial saving of farm labor, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U–1–c.

_____
(For County Agricultural Conservation Committee)

(7) The length of any continuous extension built in any calendar quarter, including any part built by or for the consumer, does not exceed 5,000 feet, and the cost of material for such extension, excluding the cost of material for any part built by or for the consumer, does not exceed $1500.

(8) No other producer can render the same service with lesser amounts of critical material.

(b) *Exception for certain extensions.* Extensions which would have been permitted by Supplementary Utilities Order U–1–c prior to the amendment of April 6, 1944, may be made or connected if both of the following conditions are satisfied:

(1) The prospective consumers' request for a certification by the County Agricultural Conservation Committee was filed with such committee on or before April 20, 1944; and

(2) A certification, in the form required by Supplementary Utilities Order U–1–c prior to the amendment of April 6, 1944, has been issued by the County Agricultural Conservation Committee to the prospective consumer on or before June 1, 1944.

Issued this 15th day of May 1944.

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

SCHEDULE I—EQUIVALENT ANIMAL UNITS

Livestock on hand:	
1 milk cow	One unit.
10 beef cattle (all cattle, including calves, other than milk cows and cattle in feed lot)	One unit.
20 cattle (in feed lot)	One unit.
30 breeding ewes	One unit.
160 lambs (in feed lot)	One unit.
3 brood sows	One unit.
30 feeder pigs	One unit.
75 laying hens	One unit.
600 chickens (broilers)	One unit.
250 chickens (not laying hens or broilers)	One unit.
40 turkeys or geese (in laying flock)	One unit.
125 turkeys or geese (not in laying flock)	One unit.
6 milk goats	One unit.
30 goats (other than milk goats)	One unit.
160 kids	One unit.

[F. R. Doc. 44–6923; Filed, May 15, 1944; 11:36 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289]

DAIRY PRODUCTS

Maximum Price Regulation 289 is redesignated Revised Maximum Price Regulation 289 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation 289 has been issued and filed with the Division of the Federal Register.*

Such specifications and standards as are used in this Revised Regulation were, prior to such use, in general use in the trade or industry affected or had previously been promulgated and their use lawfully required by another government agency.

§ 1351.1501 *Maximum prices for sales of dairy products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 289 (Dairy Products) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.1501 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.

REVISED MAXIMUM PRICE REGULATION 289—DAIRY PRODUCTS

CONTENTS

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

SECTION 1. *Products covered.* This Revised Maximum Price Regulation 289 establishes the maximum prices at which the following dairy products referred to below as "listed dairy products" may be sold and delivered.

(a) Cheddar cheese and processed cheddar cheese.

(b) Butter.

(c) Evaporated milk and British Standard evaporated milk.

(d) Bulk powdered skim milk for human consumption, bulk powdered buttermilk for human consumption, and packaged powdered skim milk (spray process) for human consumption.

(e) Industrial casein (inedible).[2]

(f) Whey powder (except that which is for human consumption).[2]

(g) Milk sugar.

(h) Condensed milk, condensed skim milk, and condensed products containing milk solids, in bulk or bulk packaged, and canned sweetened condensed milk.

NOTE: Insofar as this regulation does not establish a maximum price for any particular sale of any "listed dairy product", the maximum price for that sale shall be determined by Maximum Price Regulation 280.

SEC. 2. *Exempt sales.* The provisions of this Revised Maximum Price Regulation 289 shall not apply to any sale or delivery which is specifically exempted from the operation of this regulation.

SEC. 3. *Prohibition against dealing in listed dairy products above maximum prices.* (a) On and after December 30, 1942, or the effective date of any amendment fixing maximum prices for additional listed dairy products or affecting the maximum price of any listed dairy product, regardless of any contract, agreement, or other obligation, no person shall sell or deliver a listed dairy product, and no person in the course of trade or business, shall buy or receive a listed dairy product at a price higher than the maximum price permitted by this Revised Maximum Price Regulation 289, and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

The provisions of this section shall not apply to sales and deliveries of a "listed dairy product" which has been received for shipment to the purchaser by a carrier which is not owned or controlled by the seller, prior to December 30, 1942, or the effective date of any applicable amendment to this regulation subjecting a "listed dairy product" to the provisions of this regulation for the first time.

SEC. 4. *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation 289 may be charged, demanded, paid, or offered.

SEC. 5. *Records and reports.* (a) Every sale of a listed dairy product covered by this Revised Maximum Price Regulation 289, except as hereafter provided in this regulation, shall be invoiced by the seller. The original invoice shall be delivered to the buyer and shall state (1) the date of purchase, (2) the names and addresses of the buyers and sellers, (3) the quantity, grade, and type of package of each listed dairy product sold, (4) the price, per unit of sale and in total, and (5) the geographical place for which the price is calculated.

(b) Every buyer of any listed dairy product shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the original, and every seller of any listed dairy product shall similarly preserve a copy, of each invoice required to be furnished by paragraph (a) of this section.

(c) Every person subject to this regulation shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time request in writing, either in addition to or in substitution for records and reports herein required.

SEC. 6. *Evasion.* The price limitations set forth in this regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt, of or relating to any of the listed dairy products, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 7. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for 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 9. *Export sales.* The maximum prices at which a person may export a "listed dairy product" shall be determined in accordance with the Revised Maximum Export Price Regulation.[4]

SEC. 10. *Imports.* On and after May 17, 1944, no person in the course of trade or business shall import, or agree, offer, solicit, or attempt to import, a "listed dairy product" at a price in excess of the maximum prices established by this regulation. Where this regulation fixes maximum prices for a domestically produced "listed dairy product" f. o. b. producer's plant or factory, such f. o. b. price shall be the maximum price, including duty, which may be paid for the imported listed dairy product f. o. b. port of entry.

"Import" means to buy, receive, or in any manner pay for a commodity pursuant to or in connection with any transaction, contract, agreement, or other obligation whereby the commodity is transported or is to be transported to the several states of the United States

[2] Casein and whey powder which are manufactured for human consumption and casein which is especially prepared and packed for laboratory purposes shall be priced pursuant to Maximum Price Regulation 280.

or the District of Columbia from any place outside the several states of the United States and the District of Columbia regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

SEC. 11. *Applicability of maximum price regulations.* This regulation supersedes the provisions of Maximum Price Regulation 280, as amended, and any other maximum price regulation with respect to any sale of a "listed dairy product" for which maximum prices are established by this regulation. Insofar as this regulation does not establish a maximum price for any particular sale of a "listed dairy product", the provisions of Maximum Price Regulation 280 or any other applicable maximum price regulation remain in effect.

SEC. 12. *Applicability of certain provisions of supplementary regulations and orders.* (a) The following provisions of the following supplementary regulations and orders shall be applicable to all agreements, sales, and deliveries covered by this Revised Maximum Price Regulation 289 unless otherwise provided in subsequent sections of this regulation.

(1) Revised Supplementary Regulation No. 1,[5] section 4.3 (Emergency Purchases).

(2) Revised Supplementary Regulation No. 1,[5] section 4.4 (Developmental Contracts).

(3) Supplementary Order No. 42, Amendment 1,[6] § 1305.57 (Secret Contracts).

(4) Supplementary Order No. 27,[7] § 1305.32 (Sales or deliveries of the War Department or the Navy Department through such department's sales stores).

(5) Revised Supplementary Order No. 34,[8] (Addition of extra export packaging expenses on sales to procurement agencies of the United States).

(6) Supplementary Order No. 31,[9] (Treatment of 3% transportation tax imposed by section 620 of Revenue Act of 1942).

(7) Supplementary Order No. 81,[10] (establishing maximum prices for sales by United States government agencies and exempting certain of such sales from price control).

(8) Supplementary Order No. 84,[11] (Describing conditions under which a marketing cooperative may pay a patronage dividend).

SEC. 13. *Geographical applicability.* The provisions of this Revised Maximum Price Regulation 289 shall be applicable only to the 48 states of the United States and the District of Columbia.

SEC. 14. *Transfers of business or stock in trade.* If the business or stock in trade of a manufacturer or wholesaler of a "listed dairy product" is sold or otherwise transferred on or after December 30, 1942, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

SEC. 15. *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation 289 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 16. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 17. *Taxes.* If any statute of the United States or ordinance of any state or subdivision of any state imposes a tax upon the sale or delivery of any "listed dairy product" covered by this regulation and does not prohibit the seller from stating and collecting the tax separately from the purchase price, 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 the tax paid by any prior vendor and separately stated and collected by the vendor from whom he purchased such listed dairy product, *Provided, however,* That:

(a) The seller states and collects the tax separately from the purchase price; and

(b) If the tax was in effect prior to the effective date of this regulation, the seller's customary business practice was to state and to collect the tax separately from the purchase price of the listed dairy product; and

(c) Appropriate records are kept indicating the amount of the tax, by which governmental authority the tax was imposed, to whom the tax was paid (the prior vendor or the government), to what specific listed dairy product the tax applies, and to whom the products were sold.

In no other case may the amount of a tax be added to the maximum prices established by this regulation.

SEC. 18. *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 representative of any of the foregoing, and includes the United States or any agency thereof, any other Government or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(3) "Sale at retail" means a sale to an ultimate consumer other than an industrial, commercial, institutional or governmental user.

(b) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Cheddar Cheese

SEC. 19. *Maximum prices for cheddar cheese*—(a) *Sales of cheddar cheese by manufacturers and assemblers*—(1) *Sales by a cheese factory or cheesemaker*—(i) *In Wisconsin.* The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place in Wisconsin shall be as set forth in Table A below (except as provided in subparagraph (2) below for "cheddars," "twins," "flats," and larger styles of 37.7% or less moisture content).

TABLE A

Maximum price (cents per pound)	Styles	Approximate weight (pounds)
23¾	Cheddars, Twins and Larger.	70 or more.
23½	Flats	35.
23¾	Double Daisies	44.
23¾	Triple Daisies	66.
24¼	Single Daisies	22.
24¼	Longhorns	12.
24¼	Young Americas	12.
24½	Picnics and Midgets	12.
24½	Square Prints	10.
24½	Natural Loaf and Smaller Styles.	5 or less.

(ii) *Outside Wisconsin.* The maximum price for the sale of ceddar cheese by a cheese factory or cheesemaker delivered at any place outside Wisconsin shall be the appropriate price set forth in Table A above plus a "transportation factor."

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for unparaffined, ungraded, bulk cheddar cheese of 39% or less moisture content

[5] 8 F.R. 13240.
[6] 2d Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193.
[7] 8 F.R. 4978.
[8] 8 F.R. 11951.
[9] 7 F.R. 9229.
[10] 8 F.R. 12404, 14073.
[11] 7 F.R. 9894; 8 F.R. 1312, 3702, 9521.
[12] 9 F.R. 310.
[13] 9 F.R. 1721.

packed in boxes customarily employed for the particular styles listed in Table A.

(iv) *Marking of date and place of manufacture.* On and after the effective date of this regulation every person engaged in the manufacture of cheddar cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(2) *Maximum prices for "cheddars", "twins", "flats", and larger styles of 37.7% or less moisture content.* The maximum price for the sale of "cheddars", "twins", "flats", or larger styles of cheddar cheese of a moisture content of 37.7% or less by a cheese factory or cheesemaker to an assembler, or by any person to a cheese processor, a food processor, or to the United States Government or any agency thereof, shall be as provided in subdivisions (i) and (ii) of this subparagraph.

(i) Where delivery is made at any place in Wisconsin the maximum price shall be as set forth in Table B below.

(ii) Where delivery is made at any place outside Wisconsin the maximum price shall be the appropriate price set forth in Table B below, plus a "transportation factor."

TABLE B

Moisture content	Maximum price (cents per pound)	
	For cheddars, twins, and larger styles	For flats
33.2% or less	25.54	25.79
Over 33.2% but not over 33.7%	25.35	25.60
Over 33.7% but not over 34.2%	25.16	25.41
Over 34.2% but not over 34.7%	24.97	25.22
Over 34.7% but not over 35.2%	24.77	25.02
Over 35.2% but not over 35.7%	24.58	24.83
Over 35.7% but not over 36.2%	24.39	24.64
Over 36.2% but not over 36.7%	24.20	24.45
Over 36.7% but not over 37.2%	24.01	24.26
Over 37.2% but not over 37.7%	23.82	24.07

(iii) No purchaser designated in paragraph (d) (2) of this section shall be deemed an agency of the United States Government within the meaning of this paragraph (a) (2).

(3) *Transportation charges; cheese factory to assembler.* (i) In addition to the maximum prices established in subparagraphs (1) and (2) of this paragraph, a cheese assembler may compensate any cheese factory, cheesemaker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the nearest publicly traveled route.

TABLE C

Miles (one way) not over	Cents per 100 pounds net weight	Miles (one way) not over	Cents per 100 pounds net weight
5	17	120	46
10	18	130	47
15	20	140	49
20	21	150	51
25	23	160	53
30	24	170	55
35	26	180	56
40	27	190	58
45	29	200	60
50	30	210	62
55	31	220	63
60	32	230	65
65	34	240	66
70	35	250	68
75	36	260	69
80	37	270	71
85	38	280	72
90	40	290	74
100	42	Over 290	75
110	44		

(ii) *Provided,* That if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheesemaker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(4) *Assembling costs.* (i) Whenever assembling operations are performed by an "authorized cheese assembler", ¾ cents per pound may be added to the maximum prices established in subparagaphs (1) and (2) of this paragraph for each pound of cheddar cheese so assembled. An "authorized cheese assembler" means a cheese assembler authorized by the War Food Administration of the United States Department of Agriculture pursuant to Food Distribution Order No. 15—Cheddar Cheese, issued by the United States Department of Agriculture.

(ii) *Provided, however,* That where the assembled cheddar cheese is cheese which has been set aside for sale to the United States Government as cheddar cheese pursuant to Food Distribution Order No. 15, or similar orders issued by the War Food Administrator, the assembly allowance which may be added on sales to the United States Government shall be 1 cent per pound.

(iii) For the purpose of this subparagraph, no person shall be entitled to the additional assembling allowance unless he performs all the following functions: accumulates cheese; grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; paraffins it (if not already paraffined) weighs it; stores it in a refrigerated space; and customarily ships it in carload lots. For the purpose of this subparagraph paraffining means a covering of all surfaces of the cheese by dipping in paraffin having a temperature of not less than 240° Fahrenheit. The cheese, before paraffining, must have dry, clean surfaces free of mold and be not less than 3 days old at time of dipping.

(iv) This assembly allowance shall include transportation costs, if any, from the cheese factory to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(b) *Sales of processed cheddar cheese by manufacturers*—(1) *In Wisconsin.* The maximum price for the sale of "processed cheddar cheese" by a manufacturer delivered at any place in Wisconsin shall be as set forth in Table D below.

TABLE D

Weight of package	Cents per pound
Half pound or less (for example the ½ pound and ¼ pound size)	29.75
Over half pound to 2 pounds inclusive (for example, the 2-pound size)	28.00
Over 2 pounds (for example, the 5-pound size)	27.00

(2) *Outside Wisconsin.* The maximum price for the sale of "processed cheddar cheese" by a manufacturer delivered at any place outside Wisconsin shall be the appropriate price set forth in Table D above plus a "transportation factor".

(c) *Sales of cheddar cheese and "processed cheddar cheese" by a wholesaler*—(1) *Sales by a "primary wholesaler"*—(i) *Definition.* A "primary wholesaler" is a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place in Wisconsin shall be as set forth in Table E below.

TABLE E

	Cents per pound
Cheddars, Twins or Larger Styles	24.48
Flats	24.73
Double or Triple Daisies	24.99
Single Daisies, Longhorns, or Young Americas	25.5
Picnics, Midgets, Square Prints, or Natural Loaf or Smaller Styles	25.75
Processed Cheddar Cheese:	
Package weighing ½ pound or less	30.34
Package weighing over ½ pound but not over 2 pounds	28.56
Package weighing over 2 pounds	27.54

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table E above plus a "transportation factor".

(2) *Sales by a "service wholesaler"*—(i) *Definition.* A "service wholesaler" is a person who sells to, and makes delivery to the physical premises of, an individual retail store or an individual commercial, industrial, institutional, or non-federal governmental user. No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above

described purchaser are located. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or non-federal governmental user means the place where "cheese items" are consumed by such user.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "service wholesaler" delivered to the physical premises of a purchaser, (designated in subdivision (i) of this subparagraph) at any place in Wisconsin shall be as set forth in Table F below.

TABLE F

	Cents per pound
Cheddars, Twins or Larger Styles	26.64
Flats	26.91
Double or Triple Daisies	27.19
Single Daisies, Longhorns, or Young Americas	27.75
Picnics, Midgets, Square Prints, or Natural Loaf or Smaller Styles	28.02
Processed Cheddar Cheese:	
Package weighing ½ pound or less	33.76
Package weighing over ½ pound but not over 2 pounds	31.08
Package weighing over 2 pounds	29.97

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a service wholesaler delivered to the physical premises of a purchaser (designated in subdivision (i) of this subparagraph), at any place outside Wisconsin shall be the appropriate price set forth in Table F above plus a "transportation factor".

(iv) The maximum prices established in subdivisions (ii) and (iii) of this subparagraph shall not apply to any sale by a cheese factory or association of cheese factories to any purchaser whose physical premises are located:

(*a*) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(*b*) At a point west of the 99th meridian and more than 100 miles from the place where the cheese factory is located

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the maximum price in that place for a sale by a cheese factory of the particular style of Cheddar cheese sold as established in paragraph (a) (1) of this section, plus an assembling allowance of ¾ cent per pound (if the cheese has been assembled by an "authorized cheese assembler"), plus the total of the exact sums paid by the cheese factory or association to the agent, commission salesman, and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services". *Provided, however,* That in no case may the maximum price exceed the maximum price established in Table E of paragraph (c) (1) of this section, or, in the event a cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area, in no case may the maximum price exceed the maximum price established in Table F of this subparagraph (2). "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(3) *Sales by a cash and carry wholesaler*—(i) *Definition.* A "cash and carry wholesaler" is a person who sells to and does not make delivery to the physical premises of an individual retail store or to an individual commercial, industrial, institutional or non-federal governmental user. No person shall be deemed a "cash and carry wholesaler" unless he owns or maintains a warehouse within a distance of 50 miles from the physical premises of the above described purchaser. The physical premises of an individual retail store means the place where "cheese items" are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or non-federal governmental user means the place where "cheese items" are consumed by such user.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place in Wisconsin shall be as set forth in Table G below.

TABLE G

	Cents per pound
Cheddars, Twins, or Larger Styles	25.68
Flats	25.94
Double or Triple Daisies	26.21
Single Daisies, Longhorns, or Young Americas	26.75
Picnics, Midgets, Square Prints, or Natural Leaf or Smaller Styles	27.01
Processed Cheddar Cheese:	
Package weighing ½ pound or less	31.83
Package weighing over ½ pound but over 2 pounds	29.96
Package weighing over 2 pounds	28.89

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table G above plus a "transportation factor."

(4) *Reference to assembling allowance.* (i) The maximum prices established in subparagraphs (1), (2), and (3) of this paragraph (c) for sales by the specified types of wholesalers are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section.

(ii) The maximum price for the sale of cheddar cheese by a wholesaler which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1), (2), or (3) of this paragraph (c) minus ¾¢ per pound.

(d) *Sales to U. S. Government*—(1) *In general*—(i) *In Wisconsin.* The maximum price for the sale of any "cheese item" to the United States Government or any of its agencies delivered at any place in Wisconsin shall be as set forth in Table H below

TABLE H

	Cents per pound
Cheddars, Twins, or Larger Styles	24.25
Flats	24.50
Double or Triple Daisies	24.75
Single Daisies, Longhorns or Young Americas	25.25
Picnics, Midgets, Square Prints or Natural Loaf or Smaller Styles	25.50
Processed Cheddar Cheese:	
Package weighing ½ pound or less	29.75
Package weighing over ½ pound but not over 2 pounds	28.00
Package weighing over 2 pounds	27.00

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" to the United States Government or any of its agencies delivered at any place outside Wisconsin shall be the maximum price set forth in Table H above plus a "transportation factor."

(iii) *Low moisture cheese.* The sale of low moisture cheese to the United States Government and its agencies may be made under the provisions of paragraphs (a) (2) and (a) (4) of this section in lieu of at the maximum prices of this paragraph (d) (1).

(2) *Sales and deliveries to individual army posts, naval bases, or Federal hospitals, schools, or penal institutions*—(i) *In Wisconsin.* Notwithstanding subparagraph (1) of this paragraph the maximum price for the sale of any "cheese item" where delivery is made to the physical location of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place in Wisconsin shall be as follows:

(*a*) For sales and deliveries of quantities of less than carload lots but more than 5,000 pounds, the maximum prices set forth in Table I below:

TABLE I

	Cents per pound
Cheddars, Twins, or Larger Styles	24.73
Flats	24.99
Double or Triple Daisies	25.24
Single Daisies, Longhorns, or Young Americas	25.75
Picnics, Midgets, Square Prints or Natural Loaf or Smaller Styles	26.01
Processed Cheddar Cheese:	
Package weighing ½ pound or less	30.34
Package weighing over ½ pound but not over 2 pounds	28.56
Package weighing over 2 pounds	27.54

(*b*) For sales and deliveries of quantities of 5,000 pounds or less, the maximum prices set forth in Table J below:

TABLE J

	Cents per pound
Cheddars, Twin or Larger Styles	25.94
Flats	26.21
Double or Triple Daisies	26.48
Single Daisies, Longhorns, or Young Americas	27.01
Picnics, Midgets, Square Prints, or Natural Loaf or Smaller Styles	27.28
Processed Cheddar Cheese:	
Package weighing ½ pound or less	31.83
Package weighing over ½ pound but not over 2 pounds	29.96
Package weighing over 2 pounds	28.89

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item"

made to, and delivery made to the physical premises of, an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place outside Wisconsin shall be the appropriate price in either Table I or Table J above, whichever is applicable, plus a "transportation factor".

(3) *Reference to assembling allowance and food distribution order.* (i) The maximum prices established in subparagraphs (1) and (2) of this paragraph (d) for "sales to the United States Government" are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section and which has been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15, or similar orders issued by the War Food Administrator.

(ii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus 1¢ per pound.

(iii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15 or similar orders issued by the War Food Administrator shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus ¼¢ per pound.

(4) *Special provisions for sales to certain United States Goverment purchasers.* In addition to the maximum prices established in foregoing subparagraphs of this paragraph (d), a manufacturer or "authorized assembler" of Cheddar cheese, or a manufacturer of processed Cheddar cheese may charge 3.8 cents per pound on sales to the following agencies of the United States Government: War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters) and U. S. Army Quartermaster Depots; U. S. Navy Market Offices.

(e) *Calculations.* All calculations of any "transportation factor" and of any maximum price established by this section shall be made on a cents per pound basis and shall be carried to the second decimal point. The price per pound carried to the second decimal point shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of .50.

(f) *Discounts and allowances.* The maximum prices established in the foregoing paragraphs of this section must be reduced by the customary discounts or allowances for cash or prompt payment. However, any change in customary discounts, allowances or other price differentials may always be made when it results in a lower price than would the customary discounts or allowances.

(g) *Evasive practices prohibited*—(1) *Used cheese boxes.* The maximum prices established by this section shall not be evaded by the selling or furnishing of used cheese boxes at less than their true economic value by any buyer of a "cheese item" or his agent or affiliate to any seller of a "cheese item" or his agent or affiliate. Any sale of used cheese boxes by a buyer of a "cheese item", his agent or affiliate to a seller of a "cheese item", his agent or affiliate at any price less than the prices established in Table K below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE K

Used boxes for	F. o. b. assembling warehouse	Delivered to cheese factory
	Cents	*Cents*
Twins and Cheddars	20	21
Single Daisies	12	13
Longhorns	17	18
Flats	14	15

(2) *Supplies.* No buyer of a "cheese item", his agent or affiliate, shall sell, lend, or otherwise transfer supplies or equipment, except cheese hoops, to a seller of a "cheese item", his agent or affiliate at less than the true value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraphs (a) (1) and (a) (2) of this section and is hereby prohibited.

(3) The practices described in subparagraphs (1) and (2) of this paragraph as evasions of this regulation are in addition to any evasive practices prohibited by section 6 of this regulation.

(h) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of processed cheddar cheese and all sales of cheddar cheese other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(i) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any "cheese item" delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that "cheese item" in the nearest place that is located on a railroad line or siding: *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(j) *Maximum prices for sales at retail by manufacturers, processors, and wholesalers.* (1) The maximum price for the sale at retail of any "cheese items" delivered at any place by a manufacturer, processor, or wholesaler, shall be the maximum price established in that place for a sale of that "cheese item" by a retail store classified in Group 1 under Maximum Price Regulation No. 423. (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than $50,000.)

(2) No sale of a quantity in excess of 5 pounds shall be considered a sale at retail.

(k) *Maximum prices for "cut" cheddar cheese.* (1) Whenever any style of cheddar cheese prior to its sale or delivery is cut or sliced into pieces, cuts, or slices, the maximum price for the sale of any such pieces, cuts, or slices shall be the same as the maximum price for that style of cheddar cheese from which the pieces, cuts, or slices are made.

(l) *Maximum prices for sales not already provided for.* (1) The maximum price for the sale or delivery in any place of any "cheese item" for which a maximum price is not established by any of the foregoing paragraphs of this section shall be as follows:

(i) For sales of any style of cheddar cheese, the maximum prices established for sales by a cheese factory of that style in that place by paragraph (a) (1) of this section plus (where the requirements of paragraph (a) (4) of this section are satisfied) an assembling allowance of ¾ cent per pound.

(ii) For sales of "processed cheddar cheese", the maximum prices established for delivery in that place by paragraph (b) of this section.

(m) *Definitions*—(1) *Cheddar cheese.* "Cheddar cheese", frequently called "American cheese", means "cheddar cheese" as defined in the "Standards of Identity for Cheddar Cheese, Cheese, Washed Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, page 195. It contains not more than 39% of moisture and its solids contain not less than 50% of milk fat.

(2) *Processed cheddar cheese.* "Processed cheddar cheese" is cheddar cheese which has been graded, cleaned, blended, ground, pasteurized, and packaged. It shall contain not more than 40% of water, and in the water free substance not less than 50% of milk fat.

(3) *Transportation factor.* A "transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(4) *Cheese item.* "Cheese item" means any of the particular styles and sizes of cheddar cheese and of processed cheddar cheese listed in Tables E, F, G, H, I, and J of this section.

(5) *"Delivered at any place."* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Any cheese item sold f. o. b. any

point shall be considered "delivered" at that point.

(6) *Place.* "Place" means any city, town, village, or hamlet within the 48 States of the United States and the District of Columbia.

(7) *Retailer distributing warehouse.* A "retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse".

Butter

SEC. 20. *Maximum prices for butter*—(a) *Bulk butter*—(1) *Definition.* "Bulk butter" means unprinted butter packed solid in unused fibre or corrugated boxes furnished by the seller.

(2) *Sales by a creamery or manufacturer of butter.* The maximum price for any of the following sales of bulk butter by a creamery or manufacturer of butter shall be as set forth in subdivisions (i) to (xii) inclusive, of this subparagraph: A sale to any purchaser on the basis of f. o. b. the creamery or premises of manufacture; a sale for delivery to a primary distributor, jobber, or retailer distributing warehouse; a sale in carload lots to any purchaser or combination of purchasers. Any sale by any person on the basis of f. o. b. the creamery or premises of manufacture shall be deemed a sale by a creamery and the maximum price for such sale shall be as set forth in the following subdivisions (i) to (xii) inclusive, of this subparagraph.

(i) The maximum price for bulk butter of the following scores or grades delivered in the cities of Chicago (and all of Cook County, Illinois), New York, and San Francisco shall be as follows:

TABLE A

	Chicago	New York	San Francisco
	Cents per lb.	*Cents per lb.*	*Cents per lb.*
U. S. grade AA or U. S. 93 score	41¼	42¼	43
U. S. grade A or U. S. 92 score	41	41¾	42½
U. S. grade B or U. S. 90 score	40¾	41½	42¼
U. S. grade C or U. S. 89 score	40¼	41	41¾
U. S. cooking grade	39	39¾	40½
No grade	35	35¾	36½

(ii) The maximum price for any particular score or grade of bulk butter delivered at any place east of a line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana state line the Illinois-Kentucky state line, and south along the eastern bank of the Mississippi River to the Louisiana state line to the Gulf to Mexico, shall be the maximum price in Chicago for that particular score or grade of butter, as stated in Table A above, plus the lowest published railroad carlot freight rate per pound gross weight from Chicago to the place of delivery with no adjustment allowed for tare or icing.

(a) *Provided, however,* That in any place in the states of Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, and the District of Columbia, the maximum price shall not exceed the maximum price in New York City for that particular score or grade of butter as stated in Table A above.

(iii) The maximum price for any particular score or grade of bulk butter delivered at any place in Minnesota, Wisconsin, the upper peninsula of Michigan, Iowa, Missouri, and Illinois (except the city of Chicago and Cook County) shall be the maximum price in New York City for such score or grade of butter, as stated in Table A above, less transportation charges from that place to New York City. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from that place to New York multiplied by 1.15.

(iv) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of Oregon or in the following counties of Washington: Whatcom, Skagit, San Juan Island, Snohomish, King, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakim, Cowlitz, Clark, Skamania, and Klickitat shall be as follows:

	Cents per pound
U. S. Grade AA or U. S. 93 score	42¾
U. S. Grade A or U. S. 92 score	42¼
U. S. Grade B or U. S. 90 score	42
U. S. Grade C or U. S. 89 score	41½
U. S. Cooking Grade	40¼
No Grade	36¼

(v) The maximum price for any particular score or grade of bulk butter delivered at any place in the states of California, Nevada, and Arizona, shall be as follows:

	Cents per pound
U. S. Grade AA or U. S. 93 score	43
U. S. Grade A or U. S. 92 score	42½
U. S. Grade B or U. S. 90 score	42¼
U. S. Grade C or U. S. 89 score	41¾
U. S. Cooking Grade	40½
No Grade	36½

(vi) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of Arkansas and in the following places in the state of Texas: Bowie county, Fort Worth and Dallas, shall be as follows:

	Cents per pound
U. S. Grade AA or U. S. 93 score	41½
U. S. Grade A or U. S. 92 score	41
U. S. Grade B or U. S. 90 score	40¾
U. S. Grade C or U. S. 89 score	40¼
U. S. Cooking Grade	39
No Grade	35

(vii) The maximum price for any particular score or grade of bulk butter delivered at any place in Louisiana or at any place in Texas except that area lying north of the line formed by the southern boundaries of the following counties: Andrews, Martin, Howard, Mitchell, Noland, Taylor, Callahan, Eastland, Palo Pinto, Parker, Wise, Denton, Collin, Lamar, Fannin, Red River and Bowie, shall be the maximum price for that particular score or grade stated in foregoing subdivision (vi) of this subparagraph plus transportation charges from Fort Worth, Texas, to that place. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from Fort Worth to that place times 1.15.

(viii) The maximum price for any particular score or grade of bulk butter delivered at any place in the following counties of the state of Washington: Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Douglas, Chelan, Kittitas, Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, and Yakima; or in the following counties in the state of Idaho: Boundary, Bonner, Kootenai, Benew, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho; or in the following counties in the state of Montana: Toole, Pondera, Teton, Cascade, Lewis and Clark, Jefferson, Silver Bow, Beaverhead, Glacier, Flathead, Lincoln, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Deer Lodge: shall be the maximum price for that particular score or grade in Table B of this subdivision minus transportation charges from that place to Seattle, Washington. Transportation charges shall be the lowest published railroad carlot freight rate gross weight from that place to Seattle multiplied by 1.15:

TABLE B	*Cents per pound*
U. S. Grade AA or U. S. 93 score	43
U. S. Grade A or U. S. 92 score	42½
U. S. Grade B or U. S. 90 score	42¼
U. S. Grade C or U. S. 89 score	41¾
U. S. Cooking Grade	40½
No Grade	36½

(ix) The maximum price for any particular score or grade of bulk butter delivered at any place in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Utah, that part of Texas not included in the foregoing subdivisions (vi) and (vii) of this subparagraph, and that part of Montana and Idaho not included in the foregoing subdivision (viii) of this subparagraph shall be the maximum price for that particular score or grade in San Francisco, as stated in Table A above, less transportation charges from that place to San Francisco. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from that place to San Francisco, multiplied by 1.15.

(x) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of New Mexico; in the counties of Carbon, Albany, and Laramie in the state of Wyoming; or in the state of Colorado, except in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca shall be as follows:

	Cents per pound
U. S. Grade AA or U. S. 93 score	41¾
U. S. Grade A or U. S. 92 score	41¼
U. S. Grade B or U. S. 90 score	41
U. S. Grade C or U. S. 89 score	40½
U. S. Cooking Grade	39¼
No Grade	35¼

(xi) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Uinta, Lincoln, and Sweetwater in the state of Wyoming, shall be as follows:

	Cents per pound
U. S. Grade AA or U. S. 93 score	42¼
U. S. Grade A or U. S. 92 score	41¾
U. S. Grade B or U. S. 90 score	41½
U. S. Grade C or U. S. 89 score	41
U. S. Cooking Grade	39¾
No Grade	35¾

(xii) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca in the state of Colorado and at any place in the state of Wyoming except in the counties of Uinta, Lincoln, Sweetwater, Carbon, Albany, and Laramie shall be as follows:

	Cents per pound
U. S. Grade AA or U. S. 93 score	41¼
U. S. Grade A or U. S. 92 score	40¾
U. S. Grade B or U. S. 90 score	40½
U. S. Grade C or U. S. 89 score	40
U. S. Cooking Grade	38¾
No Grade	34¾

(xiii) The maximum prices established in the foregoing subdivisions (i) to (xii) inclusive, of this subparagraph, are for sales of bulk butter delivered to the purchaser at any place. Bulk butter sold f. o. b. any place shall be considered "delivered" to the purchaser at that place.

(xiv) The maximum prices established in the foregoing subdivisions (i) to (xii) inclusive of this subparagraph are for sales of bulk butter packed solid in new fibre or corrugated boxes furnished by the seller. When unprinted butter is packed in the following containers, the following deductions must be made from the maximum prices established in subdivisions (i) to (xii) inclusive, of this subparagraph:

⅛¢ per pound for used or reconditioned boxes.
⅛¢ per pound for parchment lined Kraft paper bags in a wire container.

When unprinted butter is packed in the following containers, the following additions may be made to the maximum prices established in subdivisions (i) to (xii) inclusive, of this subparagraph:

½¢ per pound unused wooden tubs.
¼¢ per pound used or reconditioned wooden tubs.

(3) *Sales by a primary distributor*—(i) *Definition.* A "primary distributor" is a person who customarily buys and physically receives butter from a creamery or manufacturer of butter and who sells to other primary distributors, to jobbers, retailer distributing warehouses, non-federal governmental users, or to commercial, institutional, or industrial users. A branch warehouse of a creamery or manufacturer of butter shall be deemed a primary distributor if such branch warehouse is located in a town or city other than the town or city in which the butter sold by it is manufactured.

(ii) The maximum price for the sale of any particular score or grade of bulk butter by a primary distributor delivered to the purchaser at any place shall be the maximum price for "sales by a creamery" of that particular score or grade in that place established in subparagraph (2) of this paragraph, plus ½¢ per pound.

(4) *Sales by a jobber*—(i) *Definition.* A "jobber" means anyone who sells to, and makes delivery to the physical premises of, an individual retail store, a non-federal governmental user (such as a state or municipal hospital) an individual commercial user (such as a restaurant, hotel, or club), an individual institutional user (such as a hospital or school), or an individual industrial user (such as a baker or other food processor who uses butter in his manufacturing process). No one shall be deemed a jobber unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located.

(ii) No sale shall be deemed a sale by a jobber within the meaning of this subparagraph unless delivery is made to the physical premises of a purchaser designated in subdivision (i) of this subparagraph. The physical premises of an individual retail store means the place where butter is sold to ultimate household consumers. The physical premises of an individual non-Federal governmental, commercial, institutional or industrial user means the place where butter is consumed by such users.

(iii) The maximum price for the sale of any particular score or grade of bulk butter delivered to the purchaser at any place by a jobber shall be the maximum price for "sales by a creamery" of that particular score or grade in that place as established in subparagraph (2) of this paragraph, plus the following allowances:

2¢ per pound for deliveries of 1–1,500 pounds inclusive.
¾¢ per pound for deliveries of over 1,500 pounds but not over 5,000 pounds.

Provided, however, That these allowances shall not apply to sales and deliveries of quantities of 32 pounds or less to any retail store which is classified in Group 1 under Maximum Price Regulation No. 423 [12] or to any commercial user (such as a restaurant, hotel, or club). For any such sale and delivery the allowance shall be 2½ cents per pound. (A Group 1 retail store is any independent retail store having a gross sales volume during 1942 of less than $50,000.)

(iv) The maximum prices established in subdivision (iii) of this subparagraph shall not apply to any sale by a creamery, butter manufacturer, or association of creameries or butter manufacturers to any purchaser whose physical premises are located:

(*a*) At a point on or east of the 99th meridian and more than 50 miles from the place where the creamery or butter manufactory is located, or

(*b*) At a point west of the 99th meridian and more than 100 miles from the place where the creamery or butter manufactory is located

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the maximum price in that place for a "sale by a creamery" of the particular score or grade of butter sold as established in paragraph (a) (2) of this section, plus the total of the exact sums paid by the creamery manufacturer or association to the agent, commission salesman, and trucking or hauling agent or contractor for making the sale to the purchaser and for performing "local transportation services". *Provided, however,* That in no case may the sum which may be added for such sale and delivery exceed the appropriate allowance established in subdivision (iii) of this subparagraph for the quantity sold and delivered. "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located to such physical premises.

(5) *Particular sales not already provided for.* (i) The maximum price for sales of bulk butter to individual retail stores, non-federal governmental users, or to individual commercial, institutional, or industrial users where the quantity sold is over 5,000 pounds or where delivery is not made to the physical premises of the individual retail store, non-federal governmental user, commercial user, industrial user, or institutional user, shall be determined in accordance with the provisions of paragraph (a) (3) of this section establishing maximum prices for "sales by a primary distributor"; *Provided, however,* That for any such sales the seller must qualify as a "primary distributor" within the meaning of paragraph (a) (3) (i) in order to obtain the maximum price established for "sales by a primary distributor" by paragraph (a) (3) (ii). If a seller does not so qualify, the maximum price for any sale described in this subdivision of this subparagraph (5) made by him shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices of "sales by a creamery".

(ii) *Provided, however,* That subdivision (i) of this subparagraph (5) shall in no case apply to any sale by anyone made on the basis of f. o. b. the creamery or place of manufacture, or to any sale by a creamery or manufacturer of butter to any purchaser or combination of purchasers in carload lots.

(6) *Sales to the United States Government.* (i) The maximum price for the sale of any particular score or grade of bulk butter in any place to the United States Government or any agency thereof shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices for "sales by a creamery."

(ii) *Provided, however,* That this maximum price for sales to the United States Government or any agency thereof may be increased by the following amounts where a sale is made to, and delivery made to the physical location of, an individual military or naval establishment,

[12] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15607, 16031, 17371; 9 F.R. 95.

or a federal hospital, school, or penal institution:

2¢ per pound for deliveries of 1–1,500 pounds inclusive.
¾¢ per pound for deliveries of over 1,500 pounds but not over 5,000 pounds.

However, where delivery is not made to the physical location of the purchaser, or where the sale is of a quantity greater than 5,000 pounds, no amount may be added to the maximum price established in subdivision (i) of this subparagraph.

(b) *Butter in prints or packages*—(1) *Maximum prices.* (i) The maximum price for sale of any particular score or grade of butter in prints or cartons delivered at any place shall be the maximum price for bulk butter of that score or grade in that place by that type of seller to that type of purchaser, as determinable from the provisions of paragraph (a) of this section, plus the appropriate following sum:

TABLE C

1¼¢ per pound for ½-pound or 1-pound prints or rolls, individually wrapped in parchment.
1¾¢ per pound for ½-pound or 1-pound, individually parchment wrapped prints in cartons.
1½¢ per pound for ¼-pound prints individually wrapped in parchment.
2¢ per pound for ¼-pound individually parchment wrapped prints in cartons.
3¢ per pound for butterettes, chiplets, or similar types of restaurant cut butter.
1¢ per pound for all other packages designed for use by householders.

The above prices are for butter in prints or cartons packed in unused fibre or corrugated boxes.

(ii) For any butter in prints or cartons packed in the following containers, the following deductions must be made from the maximum prices established in paragraph (b) (1) (i) above.

⅛¢ per pound for used or reconditioned boxes.
⅛¢ per pound for parchment lined Kraft paper bags in a wire container.

(2) *Use by creamery of printing equipment of another.* Regardless of any contract, agreement or other obligation, any creamery or manufacturer of butter who prints or cartons butter on equipment rented, leased or as to which it has a license to use shall not sell such printed or cartoned butter to any person at a price higher than the maximum price established by paragraph (a) of this section for sales of bulk butter by creameries or manufacturers of butter plus the exact cost of printing or cartoning, not to exceed in any event the allowance established in Table C for the particular print and/or carton sold. This section shall apply to a lease, rental, or license heretofore or hereafter made or obtained whether directly by the creamery or manufacturer of butter or indirectly through an agent or association or by any other means.

(3) *Custom printing for creameries.* Regardless of any contract, agreement, or other obligation, any creamery or manufacturer of butter who either directly or indirectly through an agent or association has another person print or carton butter manufactured by it may not sell such printed or cartoned butter to any person at a price higher than the maximum price established by paragraph (a) of this section for sales of bulk butter by creameries or manufacturers of butter to such persons plus the exact sum paid by the creamery or manufacturer for such printing and cartoning: *Provided, however,* That in no case may the sum which may be added exceed the appropriate allowance for printing or cartoning established in Table C of this section.

(4) *Packaging in barrels for export.* The maximum price in any place for the sale, for consumption outside the 48 States of the United States and the District of Columbia, of any particular score or grade of butter in the form of one-pound prints or rolls, parchment-wrapped and immersed in salt brine in paraffined barrels lined with a cotton bag, shall be the maximum price for that score or grade established by paragraph (a) of this section for that particular sale, plus the appropriate following sum:

Barrels containing:	*Cents per pound*
Not over 30 pounds	8
Over 30 pounds but not over 50 pounds	7¼
Over 50 pounds but not over 60 pounds	6¾
Over 60 pounds but not over 100 pounds	6¼
Over 100 pounds but not over 112 pounds	6
Over 112 pounds	5¾

(c) *Sales at retail by retail route-seller*—(1) *Definition.* A "retail route-seller" is a person who customarily makes sales of butter directly from a truck or wagon operated by a driver-salesman over a regular route. A "retail route-seller" shall include a dairy company operating delivery routes through driver-salesmen, but shall not include a grocery store or meat market which delivers butter.

(2) *Maximum price.* The maximum price for any particular score or grade and form of butter sold at retail in any place by a retail route-seller shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum for that particular form as determinable from the provisions of Table C of paragraph (b) of this section plus an allowance for making retail sales on retail routes. This allowance shall be determined and established for any particular community by the regional administrator of the Office of Price Administration in whose jurisdiction the community lies. Such regional administrators are hereby authorized to establish for the several communities within their jurisdictions appropriate allowances for making sales at retail over retail routes, not to exceed in any event 8 cents per pound. Until such time as the respective regional administrators have established for any community within their respective jurisdiction specific allowances for sales at retail by retail route-sellers, the allowance which may be added for that function shall be 7 cents per pound.

(d) *Sales at retail by a creamery or manufacturer of butter.* (1) The maximum price for any particular score or grade and form of butter sold at retail in any place by a creamery or manufacturer of butter shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum from Table C of this section for that particular form, plus 6¢ per pound.

(2) For the purposes of this paragraph, no sale of butter to a purchaser in excess of 5 pounds shall be considered a sale at retail.

(e) *Maximum prices for any sale not provided for.* (1) The maximum price for the sale of any particular score or grade of butter by any person to another for which a maximum price has not been established by the foregoing paragraphs shall be:

(i) The maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section if such butter is in bulk.

(ii) The maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section plus the appropriate sum designated in Table B of paragraph (b) (1) of this section if such butter is in prints or packages.

(f) *Maximum price in places not on a railroad line or siding.* The maximum price for any sale of butter by any person to a purchaser in any place not located on a railroad line or siding shall be the maximum price established by the provisions of this section for a sale by such person to a purchaser of the same type in that closest place which is located on a railroad line or siding and which is in the same area, as determinable from the provisions of subdivisions (i) to (xii) inclusive of paragraph (a) (2) of this section. *Provided, however,* That where the latter place is more than 50 miles from the place of delivery transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists, may be added.

(g) *Reference to Food Distribution Order No. 2.* The Dairy Products Marketing Association shall be considered an agency of the United States Government for purposes of purchasing butter set aside by a creamery for sale to the United States Government. The Dairy Products Marketing Association or any other agency of the United States Government may compensate any "authorized receiver" of butter for services rendered in assembling unprinted butter in an amount not to exceed ½ cent per pound for each pound of butter assembled and sold in unprinted form. An "authorized receiver" for the purposes of this paragraph means an authorized receiver as defined in Food Distribution Order No. 2 issued by the Food Distribution Administration of the United States Department of Agriculture.

(h) *Process butter*—(1) *Definition.* "Process butter" is butter, as defined in Bureau of Dairy Industry Order No. 1 Revised, issued December 24, 1936, by the United States Department of Agri-

culture, which has been subjected to any process by which it is melted, clarified, or refined and made to resemble natural butter. It does not include adulterated butter as defined in section 4 of the Act of May 9, 1902 (32 Stat. 195).

(2) The maximum price for any sale of process butter shall be determined in accordance with the appropriate provisions of this section establishing a maximum price for sales of butter of "no grade."

(i) *Calculations.* (1) In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall not be included. All calculations of transportation charges shall be made on a cents per pound basis and shall be carried to the second decimal point.

(2) All maximum prices for butter of any score or grade or form shall be calculated as follows: In sales of quantities of 1 pound or less, the fractional price per pound shall be adjusted to the nearest cent, or the next higher cent where the fractional price is ½ cent. In multiple pound sales, the fractional price per pound shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with the fraction of ½ cent. Sales at retail by retail route-sellers shall be deemed multiple pound sales unless separate collections are made for each single delivery of 1 pound or less.

(j) *Special provisions for records and reports.* The provisions of section 5 of this regulation shall apply to all sales of butter except sales at retail by creameries, manufacturers of butter, or retail route-sellers. Any retail route-seller or creamery or manufacturer of butter selling at retail which has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so and upon request from a purchaser, regardless of previous custom, shall give the purchaser such a receipt. This receipt shall state those facts required by section 5 of this regulation to be stated on an invoice.

(k) *Exempt sales.* The provisions of this section shall not be applicable to sales of butter at retail except as provided above in paragraphs (c) and (d) of this section with respect to sales and deliveries at retail by route-sellers and sales at retail by creameries or manufacturers of butter.

(l) *Definitions*—(1) *Butter.* "Butter" means the food product, commonly known as butter, which is made exclusively from milk or cream, or both, with or without the addition of common salt or coloring matter, and containing not less than 80% by weight of milk fat, all tolerance being allowed for. Such percentage of milk fat requirement shall equal that determined by the method prescribed in official and tentative methods of analysis of the Association of Official Agricultural Chemists, fifth edition, 1940:

(2) *Score or grade of butter.* "Score or grade or butter" means the quality of butter determined in accordance with the Official United States Standards for U. S. Grades of Creamery Butter issued in January 1943 by the United States Department of Agriculture and effective February 1, 1943.

(3) *Form of butter.* "Form of butter" means the form in which it is sold and delivered, namely, bulk, prints, or packages.

(4) *Place.* "Place" means any city, town, village, or hamlet in the 48 States of the United States and the District of Columbia.

(5) *Retailer distributing warehouse.* A "retailer distributing warehouse" is a place where butter is received and held for distribution to retail stores, or retail route-sellers. Chain store warehouses, retailer owned cooperative warehouses, and dairy companies operating retail routes or retail stores are included within the meaning of "retailer distributing warehouses."

Evaporated Milk

SEC. 21. *Maximum prices for evaporated and British Standard evaporated milk*—(a) *Sales and deliveries by manufacturers*—(1) *Carload lots.* (i) The maximum prices for sales and deliveries of evaporated milk by manufacturers thereof in carload lots delivered to the buyer's customary receiving point shall be as set forth in Table A below:

TABLE A

If delivered in	Carton of 48 14½-oz. cans (per carton)	Carton of 48 13-oz. cans (per carton)	Carton of 48 6-oz. cans (per carton)	Carton of 96 6-oz. cans (per carton)	Carton of 6 8-lb. cans (per carton)
Zone 1	$4.10	$3.85	$2.05	$4.10	$4.10
Zone 2	4.20	3.95	2.10	4.20	4.20
Zone 3	4.20	3.95	2.10	4.20	4.20

(ii) The maximum prices for sales and deliveries of British Standard evaporated milk by manufacturers thereof in carload lots delivered to the buyer's customary receiving point shall be as set forth in Table B below:

TABLE B

If delivered in—	Carton of 48 14½-oz. cans (per carton)	Carton of 48 6-oz. cans (per carton)	Carton of 96 6-oz. cans (per carton)	Carton of 6 8-lb. cans (per carton)
Zone 1	$4.60	$2.30	$4.60	$4.60
Zone 2	4.70	2.35	4.70	4.70
Zone 3	4.70	2.35	4.70	4.70

(iii) The zones designated in Tables A and B of this paragraph are:

Zone 1. Virginia (except the city of Alexandria), West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Colorado, New Mexico, Wyoming; and Armstrong, Allegheny, Beaver, Butler, Fayette, Greene, Mercer, Lawrence, Washington, Bedford, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Somerset, Venango, and Westmoreland Counties of Pennsylvania; and Allegany and Garrett Counties of Maryland.

Zone 2. District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, all of the counties of Pennsylvania and Maryland not included in Zone 1, and the City of Alexandria, Virginia.

Zone 3. Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

(iv) If evaporated milk is delivered by the manufacturer to the buyer's customary receiving point at the following points within zones 1 and 3, the maximum price shall be the appropriate price in Table A, plus 10¢ per carton for cartons of 48 14½-oz. cans, 48 13-oz. cans, 96 6-oz. cans, and 6 8-lb. cans and 5¢ per carton for cartons of 48 6-oz. cans.

Deliveries in zone 1 to all of New Mexico except Clayton, Dawson, Eaton, Artesia, Carlsbad, Roswell and Hobbs; and deliveries to Sheridan, Greybull and Worland in Wyoming.

Deliveries in zone 3 to all of Arizona, except Yuma; deliveries to Needle, El Portal and Alturas in California; deliveries to Montana; and deliveries to Boulder City, Ely, McGill and Las Vegas in Nevada.

(2) *Less than carload lots*—(i) *Sales and deliveries to retail stores and to food processors.* The maximum price for sales of evaporated milk or British Standard evaporated milk by manufacturers in less than carload lots where delivery is made by the manufacturer to the physical premises of a retail store or to the physical premises of a food processor shall be the appropriate price established by subparagraph (1) of this paragraph for sales and deliveries in carload lots plus the following:

15¢ per carton for cartons of 48 14½-ounce cans, 96 6-ounce cans and 6 8-pound cans.

7½¢ per carton for cartons of 48 6-ounce cans.

This subdivision shall not apply to sales where delivery is made to the warehouse of the retail store.

(ii) *Other sales and deliveries.* The maximum prices for all other sales and deliveries of evaporated milk or British Standard evaporated milk by manufacturers in less than carload lots delivered to the buyer's customary receiving point shall be the appropriate price in subparagraph (1) of this paragraph plus the following:

5¢ per carton for cartons of 48 14½-ounce cans, 48 13-ounce cans, 96 6-ounce cans, and 6 8-pound cans.

2½¢ per carton for cartons of 48 6-ounce cans.

(3) *Discounts and allowances.* All maximum prices established under subparagraphs (1) and (2) of this paragraph must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given where it results in a price less than the maximum price.

(b) *Exempt sales.* The provisions of this section shall not be applicable to sales of evaporated milk or British Standard evaporated milk at wholesale or at retail. Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 421; [19] sales at re-

[19] 8 F.R. 9388, 10569, 10987, 13293, 15250, 15607, 17367, 17368; 9 F.R. 2562.

tail shall be priced under the provisions of Maximum Price Regulations Nos. 422 [14] and 423.

(c) *Definitions*—(1) *Evaporated milk.* "Evaporated milk" means evaporated milk as defined in "Standards of Identity of Evaporated Milk" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2444. It shall contain not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids.

(2) *British Standard evaporated milk.* "British Standard evaporated milk" means evaporated milk as defined in "Statutory Rules and Orders, 1923, No. 509 Public Health, England. The Public Health (Condensed Milk) Regulations 1923, dated May 1, 1923. Made by the Minister of Health." It shall contain not less than 9 percent milk fat and not less than 31 percent of total milk solids.

(3) *Customary receiving point.* "Customary receiving point" is that place in the town or city where the buyer's place of business is located at which the buyer customarily takes possession of evaporated milk or British Standard evaporated milk. It may be either a railroad siding or the buyer's warehouse in that town or city. For sales to the United States Government or any agency thereof, and in no other case, sales made f. o. b. the manufacturer's plant or warehouse shall be considered delivered to the buyer's customary receiving point.

Powdered Skim Milk

SEC. 22. *Maximum prices for bulk powdered skim milk for human consumption, bulk powdered buttermilk for human consumption, and packaged powdered skim milk (spray process) for human consumption.* (a) The maximum prices for sales and deliveries of bulk powdered skim milk for human consumption and bulk powdered buttermilk for human consumption shall be as follows:

(1) By manufacturers and wholesalers to the United States Government or any agency thereof, f. o. b. manufacturer's plant, located:

	Spray process (cents per pound)	Roller process (cents per pound)
In Zone A	14½	14
In Zone B	14¾	14¼
In Zone C	15	14½
In Zone D	15¼	14¾

(2) In addition to the maximum prices established in subparagraph (1) of this paragraph (a) any manufacturer or wholesaler who is designated as an "authorized receiver" of bulk powdered skim milk by the Food Distribution Administration, may charge ⅜ cents per pound on sales of carlot quantities.

(3) By wholesalers and by manufacturers for deliveries to any consumer other than the United States Government or any agency thereof:

For deliveries in	Spray process (cents per pound)				Roller process (cents per pound)			
	Carload	Less than carload			Carload	Less than carload		
		25 barrels or more	5 to 24 barrels inclusive	1 to 4 barrels inclusive		25 barrels or more	5 to 24 barrels inclusive	1 to 4 barrels inclusive
Zone A	15½	16	16¼	16½	15	15½	15¾	16
Zone B	15¾	16¼	16½	16¾	15¼	15¾	16	16¼
Zone C	16	16½	16¾	17	15½	16	16¼	16½
Zone D	16¼	16¾	17	17¼	15¾	16¼	16½	16¾

(4) By manufacturers to wholesalers "for deliveries" to wholesalers the prices named in subparagraph (2) above, less 3 per cent.

(5) *Definition of zones.*

(i) Zone A shall be all states not included in Zones B, C, or D.

(ii) Zone B shall be Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, and West Virginia.

(iii) Zone C shall be Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

(iv) Zone D shall be Florida.

(6) *Discounts.* All maximum prices named in this section must be reduced by the seller's customary discounts, or allowances for cash or prompt payment. However, any discount, allowances or other price differential may always be given when it results in a price less than the maximum price.

(7) *Packing costs and allowances.* (i) These prices are for bulk powdered skim milk or bulk powdered buttermilk packed in barrels double crepe lined. They shall be reduced for any less expensive packing by the net difference in packing costs, between the double crepe lined barrels and the less expensive packing.

(ii) These prices shall be increased ½ cent per pound for all bulk powdered skim milk or bulk powdered buttermilk packed in customary 95 or 100 pound containers. These prices shall be increased 1 cent per pound for all bulk powdered skim milk or bulk powdered buttermilk packed in customary 5 to 50 pound containers.

(b) The maximum prices for sales and deliveries of packaged powdered skim milk (spray process) by manufacturers or packers to the wholesale and chain store warehouse trade and to commercial, industrial, institutional, and governmental users shall be as listed in the following Table A:

TABLE A

For deliveries in	Price per dozen packages		
	7 ounces	12 ounces	16 ounces
Zone A	$1.08	$1.78	$2.34
Zone B	1.09	1.80	2.37
Zone C	1.10	1.82	2.40
Zone D	1.11	1.84	2.43

(1) *Differentials and discounts.* If the manufacturer or packer has established differentials for quantity purchasers or for any other class of purchasers he shall continue such differentials. The differentials to such other classes of purchasers shall be determined by adding to or subtracting from the maximum prices fixed herein for such zone, as the case may be, the difference between the seller's customary price to wholesalers and his customary price to such class of purchasers. All other customary discounts and allowances including those for prompt payment shall likewise be continued.

(2) *Definition of zones.* The zones referred to are the same as those defined in paragraph (a) (5) of this section.

(3) *Manufacturer's or packer's maximum prices for packaged powdered skim milk (spray process) packed in container sizes other than those for which maximum prices are fixed by this paragraph.* (i) The following pricing method applies only to those new packages whose weight is 50% greater or smaller than the weight of the package for which maximum prices are fixed herein, i. e. those packages which are not less than 3½ oz. nor more than 24 oz. In the case of all other package sizes, i. e. those less than 3½ oz. and those more than 24 oz. but not more than 80 oz. inclusive, the packer shall apply to the Office of Price Administration for a maximum price. He shall include in his application a statement giving the weight of the proposed package, and the cost to him of the ingredients, packaging material, carton, labor, and overhead.

(ii) Where the packer may price pursuant to this subparagraph (3) he shall proceed as follows:

(a) *Determine the base container.* He shall first determine the size of the package for which a maximum price is fixed herein which is closest in net weight to the size which he desires to pack, i. e., if he desires to pack a 9 oz. package he shall use the 7 oz. package as the base container.

(b) *Determine the base price.* The base price is determined by dividing the maximum delivered price fixed in Table A above for a dozen of each container sizes, in each of the 4 zones established therein, by 12.

(c) *Deduct the container cost.* Taking his base price, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's plant, of the container, label, and the proportionate part of the outgoing shipping wrapper or carton, but it does not include the cost of filling, closing, labeling, or packing.

[14] 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607, 17369, 17370; 9 F.R. 95.

(d) *Adjust the difference in contents.* The figure gotten by the deduction shall then be adjusted for the size change by dividing it by the number of ounces in the base container and multiplying the result by the number of ounces in the new container.

(e) *Add the new container cost to get the maximum price for the zone.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new size. He shall then multiply the resulting figure by twelve to determine his maximum delivered price per dozen in the new size container, in the zone for which he is making the computation. The packer shall make similar computations for each zone in which he desires to sell such new size container and adjust the prices pursuant to subparagraph (1) for the different classes of purchasers to whom he desires to sell such new size container.

(f) *Computations and fractions of a cent.* In making computations pursuant to this subparagraph (3), the packer shall carry all calculations to the second decimal of a cent. If this maximum price per dozen resulting from such computation ends in a fraction he shall adjust the price to the next higher cent where the fraction is ½ cent or more, and to the next lower cent if the resulting fraction is less than ½ cent.

(iii) *Records.* Every manufacturer or packer who computes maximum prices pursuant to this subparagraph (3) shall keep records showing how he figured each maximum price established hereunder.

(c) *Definitions.* (1) "Powdered skim milk", also known as "dried skim milk" or "skim milk powder" means powdered skim milk for human consumption as defined in the "Standards of Identity for Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 12, 1940, 5 F.R. 2543.

(2) "Powdered buttermilk" means the product prepared for human consumption by the removal of water from clean, sound buttermilk which buttermilk conforms in all respects to requirements of applicable federal and state laws and regulations. It shall contain not less than 4% butterfat and shall contain not more than 5% moisture.

(3) "Bulk" when used in conjunction with "powdered skim milk" or "powdered buttermilk" means all "powdered skim milk", or "powdered buttermilk", other than "packaged powdered skim milk" or "packaged powdered buttermilk". "Packaged" means packaged for sale at retail in a container of any sort holding 5 pounds or less regardless of where the packaging was done.

(4) The phrase "for deliveries" refers to deliveries at the buyer's customary receiving point. In the case of deliveries to wholesalers, it shall also include direct deliveries to the customary receiving point of any person designated by the wholesaler to receive delivery.

(d) *Reference to maximum price regulations covering powdered skim milk and powdered buttermilk not covered in this Revised Maximum Price Regulation 289.* (1) All sales of packaged powdered skim milk and packaged buttermilk not covered by paragraph (b) of this section are covered by Maximum Price Regulation 280.[16] Specifically, paragraph (b) of this section fixes dollar and cents prices for packaged powdered skim milk (spray process) for human consumption in the 7-, 12-, and 16-ounce packages and provides a method whereby other size packages of such packaged powdered skim milk may be priced.

(2) Packaged powdered skim milk (spray process) except that which is packed in a tin container in an inert gas is governed by Maximum Price Regulation 421 as to sales at wholesale, and by Maximum Price Regulations 422 and 423 as to sales at retail.

(3) All sales of powdered skim milk for animal feed and of powdered buttermilk for animal feed are covered by Maximum Price Regulation 280.

Industrial Casein

SEC. 23. *Maximum prices for industrial casein (inedible)*—(a) *Definitions.* (1) "Casein" means the chemical compound which is precipitated from skim milk by the action of rennet or of one of several acids customarily selected as a precipitating agent. For the purpose of this amendment, the curd resulting from the precipitation shall not be deemed "industrial casein" unless it is prepared for the purpose of ultimate utilization in one or more manufactured commodities that are not consumed as edible products by human beings. Nor shall casein which is especially prepared and packaged for laboratory use be deemed "industrial casein".

(2) "Processed acid-casein", means acid-precipitated "industrial casein" which is dried, ground, screened and blended with other individual quantities of such casein in such manner as to produce a product of uniform quality that will meet the needs of individual consumers. Such processed acid-casein shall be cream or light yellow in color, be nearly odorless with no more than a trace of sourness, have a moisture content of not more than 10%, contain not more than 2.25% fat (moisture-free basis) or less than 14.2% nitrogen (moisture-, fat-, and ash-free basis) or more than 4.0% ash (moisture-free basis), and the total acidity shall not be more than 10.5 c. c. of N/10 alkali per gram.

(3) "Processed rennet-casein", means rennet-precipitated "industrial casein" which is dried, ground, screened, and blended with other individual quantities of such casein in such manner as to produce a product of uniform quality that will meet the needs of individual consumers. Such processed rennet-casein shall be light cream or cream in color, be nearly odorless with no more than a trace of sourness, have a moisture content of not more than 10%, contain not more than 1% fat (moisture-free basis) or less than 14.2% nitrogen (moisture-, fat-, and ash-free basis) or less than 7.5% ash (moisture-free basis), and the total acidity shall not be more than 2.5 c. c. of N/10 alkali per gram.

(4) "Dry acid-casein", means acid-precipitated "industrial casein", the curd of which has been dried but has not been ground, or screened, or blended.

(5) "Dry rennet-casein", means rennet-precipitated "industrial casein", the curd of which has been dried but has not been ground, or screened, or blended.

(6) "Wet curd acid-casein", means acid-precipitated "industrial casein" which has not been dried, or ground, or screened, or blended.

(7) "Wet curd rennet-casein", means rennet precipitated "industrial casein" which has not been dried, or ground, or screened, or blended.

(8) "Bag" means the burlap or other container holding approximately 100 pounds in which casein is customarily packed by the manufacturer or blender. It may or may not be lined with paper or another similar substance.

(b) *Maximum prices for processed acid-casein and processed rennet-casein.* Maximum prices for processed acid-casein and processed rennet-casein as defined in paragraphs (a) (2) and (a) (3) of this section, to any person shall be those listed in the following Table A.

TABLE A

Quantity	Cents per pound	
	Acid	Rennet
10,000 lbs. or more	24	25½
2,000 lbs. or over but less than 10,000 pounds	24¼	25¾
Less than 2,000 pounds	24¾	26¼

(1) The above prices are on a "gross-for-net" basis when the seller furnishes the bag in which the casein is sold. For sales in containers other than bags the prices are on a net weight basis and the seller may add to such prices an amount not in excess of the actual cost of such container: *Provided,* That such container becomes the property of the purchaser.

(2) The above maximum prices shall be f. o. b. the seller's plant, warehouse, or other place from which the casein is shipped to the buyer. Where the seller produces the casein in several plants and then transports it to a warehouse before shipping it to the buyer the casein shall be sold f. o. b. such warehouse and not f. o. b. the plant where it was produced.

(3) If the sale is made on a delivered basis, then the maximum delivered price shall be the f. o. b. price listed for each type in Table A above plus the lowest available freight rate from the shipping point to the purchaser's receiving point, but charges for freight shall in no case exceed the amount actually paid by the seller for the given shipment.

(c) *Maximum prices for wet curd acid-casein, wet curd rennet-casein, dry acid-casein and dry rennet-casein.* Maximum prices for sales and deliveries of wet curd acid-casein, wet curd rennet-casein, dry acid-casein, and dry rennet-casein to any person in any quantity

[16] 8 F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811, 13060, 13721, 16296, 16597, 16795; 9 F.R. 343, 753, 1622, 2238, 2176.

shall be the prices listed in the following Table B; except that a seller who customarily extended a quantity discount shall continue to do so as provided in paragraph (e):

TABLE B

Type of casein:	*Cents per pound*
Wet curd acid-casein, dry basis	18
Wet curd rennet-casein, dry basis	19½
Dry acid-casein	21
Dry rennet-casein	22½

(1) The above maximum prices shall be f. o. b. the seller's plant, warehouse, or other place from which the casein is shipped to the buyer. Where the seller produces the casein in several plants and then transports it to a warehouse before shipping it to the buyer the casein shall be sold f. o. b. such warehouse, and not f. o. b. the plant where it was produced.

(2) If the sale is made on a delivered basis, the maximum delivered price shall be the f. o. b. price listed for each type in Table B above plus the lowest available freight rate from the shipping point to the purchaser's receiving point, but charges for freight shall in no case exceed the amount actually paid by the seller for the given shipment.

(3) If the purchaser requests that the seller grind the casein to meet his specifications and requirements, the seller may add ½ cent per pound to the maximum price established in Table B above for dry acid and dry rennet-casein. Thus the maximum price for ground acid-casein shall be 21½ cents per pound and for ground rennet-casein it shall be 23 cents per pound.

(d) *Quality differentials.* The maximum prices established in this section for each type of casein shall not be increased by any charge for a special mesh, viscosity, or any other process or treatment in manufacturing. In no case shall the seller charge more per pound than the prices provided in this section. Where, however, the casein does not meet the standards set forth in the definitions for each type of casein, the maximum prices set forth herein shall be reduced to reflect the customary differential between the price for casein which meets the standards set forth herein and such substandard casein.

(e) *Discounts and allowances.* The maximum prices established by this section shall not be increased by brokerage fees, commissions or other charges. However, the maximum prices shall be decreased to reflect the seller's customary discounts and allowances including those for prompt payment.

(f) *Evasion.* Specifically, the provisions of this section shall not be evaded by any requirement by the seller or agreement between the buyer and seller that a seller may ship or a buyer receive casein in smaller quantity than that which was actually ordered or would have been ordered but for the attempted evasion. Furthermore, no person shall evade the provisions of this section by agreeing to receive unground "industrial casein" from a seller without taking title thereto, for the purpose of grinding or processing said casein for an amount which is less than the margin allowed herein for such grinding or processing, and then buy the ground or processed product at a price which is higher than the sum of the price listed for the unground casein plus the charge made for grinding or processing. Nor shall any person enter into any contract of a nature similar to that described above which will result in a maximum price to the seller of unground or unprocessed casein which is in excess of the price listed herein for such unground or unprocessed casein.

Whey Powder

SEC. 24. *Maximum prices for whey powder (except that which is for human consumption)* — (a) *Definitions.* (1) "Whey powder", means the substance which is derived from the reduction of the moisture content of liquid whey. It is a byproduct of the manufacture of cheese or casein or both. The dried product shall contain at least 65% lactose (milk sugar) and shall otherwise meet specifications set forth on page 22 of "Official Publication" published by the Association of American Feed Control Officials Incorporated.

(2) "Bag" means the burlap or other container holding approximately 100 pounds in which whey powder is customarily packed by the manufacturer or blender. It may or may not be lined with paper or another similar substance.

(3) "Wholesaler" means any person who buys whey powder, unloads his purchase into a warehouse and resells the same in the original container without mixing it.

(4) "Retailer" means any person who buys whey powder and resells the same, without mixing it, to the consumer in lots of 5 bags or less.

(5) "Consumer" means any person who buys whey powder for the purpose of actually feeding it to animals or poultry.

(b) *Maximum prices for sales and deliveries of whey powder by manufacturers.* Maximum prices for sales and deliveries of whey powder by a manufacturer or any person other than a wholesaler or a retailer, to any person shall be the prices listed in the following Table A.

TABLE A

Quantity:	*Cents per pound*
100 bags or more	8
6 to 99 bags inclusive	8⅛
5 bags or less	8¼

(1) The above maximum prices shall be f. o. b. the seller's plant, warehouse, or other place from which the whey powder is shipped. Where the seller produces the whey powder in several plants and then transports it to a warehouse before shipping it to the buyer, the whey powder shall be sold f. o. b. such shipping point and not f. o. b. the plant where it was produced.

(2) If the sale is made on a delivered basis, the maximum delivered price shall be the f. o. b. price listed for each quantity in Table A above, plus the lowest available freight rate from the shipping point to the purchaser's receiving point, but charges for freight shall in no case exceed the amount actually paid by the seller for the given shipment.

(c) *Maximum prices for sales and deliveries of whey powder by wholesalers.* The maximum price in cents per pound that any wholesaler may charge for whey powder shall be:

¼¢ (maximum profit margin) over the price listed in Table A for whey powder in quantities of 100 bags or more, which is 8¢ per pound, plus all applicable transportation charges actually paid for moving such whey powder to his place of business at the lowest available freight rate.

Transportation charges to be added shall be determined by dividing the total charge for a shipment by the number of pounds shipped. If, on the other hand, the wholesaler buys whey powder on a delivered basis, he shall determine his cost for such whey powder by dividing the cost to him of the whey powder delivered by the number of pounds delivered and than add ¼¢ per pound (maximum profit margin) to determine his maximum price.

Where the wholesaler delivers the whey powder he may add to the maximum prices established pursuant to this paragraph, the lowest of the following delivery charges:

(1) His actual cost for transporting the whey powder from his shipping point to buyer's receiving point.

(2) His customary delivering charge, if he had an established charge for such deliveries prior to the effective date of this paragraph.

(3) The published common carrier rate for shipping a like quantity of whey powder from his shipping point to buyer's receiving point.

(d) *Maximum prices for sales and deliveries of whey powder by retailers.* The maximum price in cents per pound that any retailer may charge for whey powder shall be:

½ cent per pound (maximum profit margin) for sales of 1 to 5 bags, inclusive, and ¾ cent per pound (maximum profit margin) for sales of less than 1 bag.

over the maximum price paid by him in cents per pound to his supplier, plus all applicable transportation charges actually paid for moving such whey powder to his place of business at the lowest available freight rate. Transportation charges to be added shall be determined by dividing the total charge for a shipment by the number of pounds shipped. If, on the other hand, the retailer buys whey powder on a delivered basis, he shall determine his cost for such whey powder by dividing the cost to him of the whey powder delivered by the number of pounds delivered and then add his appropriate differential (½ cent or ¾ cent per pound as the case may be) to determine his maximum price.

Where the retailer delivers the whey powder he may add to the maximum prices established pursuant to this paragraph, the lower of the following delivery charges:

(1) His actual cost for transporting the whey powder from his shipping point to buyer's receiving point.

(2) His customary delivering charge, if he had an established charge for such deliveries prior to the effective date of this paragraph.

(e) *Method of computation and fractions of a cent.* In computing maximum prices pursuant to this amendment, the wholesaler or retailer shall carry all calculations to the third decimal of a cent to arrive at his maximum price per pound. He shall then multiply this price (carried to the third decimal of a cent) by the number of pounds he is selling in each individual sale. The result arrived at by this multiplication shall be his maximum price for the sale. Any fractions of a cent resulting from such multiplication shall be adjusted to the next higher cent if they are one-half cent or more, and to the next lower cent if they are less than one-half cent.

(f) *Discounts and allowances.* The maximum prices established by this section shall not be increased by brokerage fees, commissions or other charges. However, the maximum prices shall be decreased to reflect the seller's customary discounts and allowances including those for prompt payment.

(g) *Evasion.* Specifically, the provisions of this section shall not be evaded by any requirement by the seller or agreement between the buyer and seller that a seller may ship or a buyer receive whey powder in smaller quantity than that which was actually ordered or would have been ordered but for the attempted evasion.

Milk Sugar

SEC. 25. *Maximum prices for milk sugar*—(a) *Definitions.* (1) "Milk sugar" (lactose) means the sugar which is obtained from cow's milk. The term includes any such sugar whether it is sold in powdered or crystalline form.

(2) "Refined milk sugar" means milk sugar, U. S. P.; that is, it conforms to all of the standards for milk sugar set forth in the latest edition of the United States Pharmacopoeia.

(3) "Technical milk sugar" means milk sugar which equals milk sugar, U. S. P. in all respects, except that its solution in water may be straw color and its ash content may be 1.0 percent.

(4) "Crude milk sugar" means milk sugar which is neither refined milk sugar nor technical milk sugar.

(5) "Producer" means any person who produces refined, technical, or crude milk sugar.

(6) "Packager" means a person (other than a producer) who buys milk sugar and packs it into containers.

(7) "Wholesaler" means a person who buys milk sugar in a container and sells it in the same container to persons other than household consumers. A person may be a wholesaler with respect to certain sales and a packager with respect to other sales, depending on whether or not he packed the milk sugar into a container.

(8) "Retailer" means a person who buys milk sugar in a container and sells it in the same container to household consumers.

(9) "Item" means a particular unit of sale of a particular brand and type of milk sugar in a particular container size.

(10) "Barrel" means a wooden barrel costing approximately 1 cent per pound of milk sugar.

(b) *Producer prices.* (1) Sales made in "barrels." The producer's maximum prices f. o. b. plant for milk sugar sold in barrels to any class of purchaser shall be those listed in the following Table A.

TABLE A

Quantity	Cents per pound (f. o. b. plant)			
	Refined	Technical	Crude sold for laboratory use	Crude sold for further refinement
1 to 9 barrels, inclusive	27¾	25¾	19	17
10 to 149 barrels, inclusive	26¾	24¾	19	17
150 barrels or more	26	24	19	17

(2) *Sales made in containers other than barrels.* The producer's maximum prices f. o. b. plant for milk sugar sold in containers other than barrels shall be those listed in the following Table B, plus the actual cost of container.

TABLE B

Quantity	Cents per pound (f. o. b. plant)			
	Refined	Technical	Crude sold for laboratory use	Crude sold for further refinement
Less than 1,800 lbs.	26¼	24¼	18	16
1,800 lbs. to 30,000 lbs. inclusive	25¾	23¾	18	16
Over 30,000 lbs.	25	23	18	16

(3) *Discounts and allowances.* The maximum prices established for producers shall not be increased by brokerage fees, commissions, or other charges. However, the maximum prices shall be decreased to reflect the producer's customary discounts and allowances, including those given for prompt payment, but not including the discount based solely on quantity of purchase.

(4) *F. o. b. and delivered prices.* The producer's prices are f. o. b. the producer's plant. If the sale is made on a delivered basis, the maximum delivered price shall not exceed the applicable f. o. b. price plus the actual freight charges incurred from the producer's plant to the purchaser's receiving point; such freight charges in no event to exceed the lowest established rate for the mode of transportation employed.

(5) *Evasion.* Specifically, the producer prices shall not be increased by any arrangement between the buyer and seller whereby a seller is to ship or sell, and the buyer receive or buy, a smaller quantity of milk sugar than that which was actually ordered, or would have been ordered but for the attempted evasion.

(c) *The packager's prices.* Packager maximum prices for each item of milk sugar shall be the maximum prices established pursuant to Maximum Price Regulation 280, plus the following:

(1) The difference between the "old cost" of the milk sugar in the item and the "new cost" of the milk sugar in the item. The "old cost" is the packager's delivered cost (price paid supplier, less all discounts except the discount for prompt payment; plus transportation charges, if any, to his place of business) for his latest purchase of a customary quantity of the milk sugar ingredient from a customary supplier occurring prior to November 15, 1943. The "new cost" is the packager's delivered cost (price paid supplier less all discounts, except the discount for prompt payment, plus transportation charges, if any, to his place of business) for the first purchase of milk sugar ingredient in a customary quantity from a customary supplier, occurring after November 14, 1943.

(i) If at any time after establishing a "new cost" the packager's source of supply changes resulting in a decrease in the cost of milk sugar, he must recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier. Where the source of supply changes, resulting in an increase in the cost of milk sugar, he may recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier.

NOTE: The packager's maximum prices remain as established under Maximum Price Regulation 280 until such time as the packager has a new cost and is able to compute his prices under this paragraph. Thereupon, the new prices so established apply only to those items containing milk sugar which was purchased at the changed cost.

(d) *The wholesaler's prices.* The wholesaler's maximum prices for each item of milk sugar shall be the maximum prices established pursuant to Maximum Price Regulation 280, plus the following:

(1) The difference between the "old cost" of the item and the "new cost" of the item. The "old cost" is the wholesaler's delivered cost (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to his place of business) for the latest purchase of the item in a customary quantity from a customary supplier occurring prior to November 15, 1943. The "new cost" is the delivered cost (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to his place of business) for the first purchase of the item in a customary quantity from a customary supplier, occurring after November 14, 1943.

(i) If at any time after establishing a "new cost" the wholesaler's source of supply changes resulting in a decrease in the cost of the items, he must recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier. Where the source of supply changes, resulting in an increase in the cost of the items, he may recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier.

NOTE: The wholesaler's maximum prices remain as established under Maximum Price Regulation 280 until such time as the wholesaler has a "new cost" and is able to compute his prices under this paragraph.

Thereupon, the new prices apply only to that part of his inventory upon which the price change has been experienced.

(e) *Retailer's prices.* A retailer's maximum prices for each item of milk sugar shall be his "delivered cost" (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to his place of business); plus the dollar and cents markup which he customarily applied to such items, not to exceed the highest markup used during the period March 1, 1942, through October 2, 1943.

NOTE: A retailer cannot, of course, use a markup which was based on a price in excess of the price allowed by Maximum Price Regulation 280.

(f) *Reports*—(1) *Producer reports.* Producers establishing maximum prices for sales in containers other than barrels, must within 30 days after establishing such prices, file with the Manufactured Dairy Products Section, Office of Price Administration, Washington, D. C., a statement showing the following:

(i) The producer's name and address,

(ii) The prices established pursuant to paragraph (b) (2) of this section for sales in containers other than barrels.

(iii) The cost of the container and a description thereof.

(2) *Packager reports.* Packagers establishing maximum prices for items which they pack must within 30 days after establishing such prices, file with the Manufactured Dairy Products Section, Office of Price Administration, Washington, D. C., a statement showing the following:

(i) The packager's name and address,

(ii) The maximum prices established pursuant to Maximum Price Regulation 280 for each item which they pack,

(iii) The "old cost" and the "new cost" as determined pursuant to paragraph (c) (1) of this section, and

(iv) The maximum prices established pursuant to paragraph (c) of this section.

(g) *Calculations.* In calculating the price of a particular quantity of milk sugar whether it be for a pound, carload, dozen, etc., calculations shall be carried to the second decimal point of a cent. If the final price for the quantity results in a price which includes a fraction of a cent, the price shall be adjusted to the next higher cent where the fraction is one-half cent or more, and to the next lower cent where the fraction is less than one-half cent.

Condensed Milk, Etc.

SEC. 26. *Maximum prices for condensed milk, condensed skim milk and condensed products containing milk solids, in bulk or bulk packed, and canned sweetened condensed milk*—(a) *Sales by processors, in bulk or bulk packed.* (1) Maximum prices for sales to any class of purchasers shall be those listed in Items 1 and 2 of Table A, f. o. b. processor's plant, subject to the composition adjustments set forth in Item 3 of Table A.

TABLE A

Product	Composition percentage (exclusive of moisture)			Cents per liquid pound (f. o. b. plant)	
	Milk fat	MSNF	Sugar	In wooden barrels	In containers (except wooden barrels) and in tank cars or tank trucks
ITEM 1					
Plain condensed skim milk	0	29	0	----------	4.06
Super-heated condensed skim milk	0	29	0	----------	4.39
ITEM 2					
Plain condensed milk	8	22	0	----------	8.28
Super-heated condensed milk	8	22	0	----------	8.61
Sweetened condensed skim milk	0	29	42	8.08	7.33
Sweetened condensed milk	8½	19½	42	12.28	11.53

ITEM 3. *Adjustments.* (i) The maximum prices for products listed in Item 1 of Table A, in bulk or bulk packed, shall be adjusted up or down by adding or deducting $ .0014 per pound for each change of 1% in the composition percentage of milk solids not fat in the finished product, and fractions of 1% shall be adjusted proportionately.

(ii) The maximum prices for products listed in Item 2 of Table A and for any "miscellaneous condensed product", in bulk or bulk packed, shall be adjusted up or down by the amounts stated below for each change of 1% in the composition percentage of the ingredients in the comparable finished product, and fractions of 1% shall be adjusted proportionately. (See examples.)

Ingredient:	*Add or deduct per pound*
Milk solids not fat	$0.00145
Milk fat	.0065
Sugar	.0006

Example A. If a product contains only 7% fat and 18% MSNF it is not "plain condensed milk". However, if a processor wishes to supply such a "miscellaneous condensed product" he would figure his maximum price as follows:

Find the price in Table A for the comparable finished product (plain condensed milk) which is 8.28¢. Since the butterfat is 1% less and MSNF are 4% less than the stated composition of plain condensed milk, he will deduct $ .0065 for reduction in fat and $ .0058 ($ .00145 x 4) for reduction in MSNF, resulting in a price of 7.05¢ per pound for the "miscellaneous condensed product".

Example B. If "plain condensed milk" should contain 8½% fat and 20% MSNF the price is figured by adding to the price in Table A, $ .00325 (½ of $ .0065) for ½% increase in fat and deducting $ .0029 ($ .00145 x 2) for 2% decrease in MSNF to obtain a price of 8.315¢ instead of 8.28¢ per pound.

(2) *"Dry solids"* means the number of pounds of dry milk solids not fat in a condensed liquid product.

(3) *Records.* The invoice which the seller is required to deliver to the buyer under section 5 of this regulation shall also state the total net weight of the finished product together with the percentage content of dry solids not fat.

(4) *F. o. b. and delivered prices.* The processor's prices are f. o. b. the processor's plant, however, sales may be made on a delivered basis. If a sale is made on a delivered basis, the maximum delivered price, when delivery is made by a common or contract carrier, shall not exceed the f. o. b. price plus the established transportation charge of such carrier, and actual icing charge if any, incurred from the processor's plant to the buyer's receiving point. If the delivery is made by a vehicle owned or controlled by the processor, the transportation charge shall not exceed the lowest available published rate for contract or common carrier for such delivery. However, instead of the maximum delivered price as stated above, the processor may use, as a maximum delivered price on a delivery to the buyer's place of business, the f. o. b. price for the particular product plus $.0015 per liquid pound.

(5) *Allowances and fees.* The maximum prices established for processors shall not be increased by brokerage fees, commissions, or other charges.

(6) *Calculations.* Fractions of a cent remaining after the total price for the quantity sold has been calculated shall be dropped if less than ½ cent and increased to the next higher cent if ½ cent or more.

(b) *Sales by or through brokers, jobbers, and other persons, in bulk or bulk packed.* (1) The maximum prices on sales of condensed milk products, in bulk and bulk packed, by or through brokers, jobbers, and other persons to any class of purchasers shall not exceed the maximum prices set forth in paragraph (a) for processors, except that,

(i) In the case of a jobber, as defined in subparagraph (iv), who resold condensed milk products, in bulk or bulk packed, before April 28, 1942, his maximum price (f. o. b. his place of business) shall be the appropriate price set forth in paragraph (a) f. o. b. processor's plant, plus the actual transportation charge and actual icing charge, if any, to the jobber's place of business plus the appropriate markup (in cents per liquid pound) as follows:

	Cents
Plain condensed skim milk	3/8
Super-heated condensed skim milk	3/8
Plain condensed milk:	
When sold in original container	3/8
When repacked by jobber and sold in lots of less than 50 pounds	1/2
Super-heated condensed milk	3/8
Sweetened condensed skim milk	3/10
Sweetened condensed milk	3/10
Miscellaneous condensed product	3/10

(ii) In the case of a jobber, as defined in subparagraph (iv), who did not resell condensed milk products, in bulk or bulk packed, before April 28,, 1942, his maximum price (f. o. b. his place of business) shall be the appropriate price set forth in paragraph (a) f. o. b. processor's plant, plus the actual transportation charge and actual icing charge, if any, to the jobber's place of business.

(iii) In the event a sale is made on a delivered basis by a jobber, as defined in subparagraph (iv), his maximum price shall be increased by the cost of transportation (exclusive of icing cost, if any) from the jobber's place of business to the buyer's customary receiving point computed in the same manner as delivery charges by a processor are computed in paragraph (a) (4).

(iv) The term "jobber" as used in subdivision (i), (ii), and (iii) above means and is limited to a person who purchases from a processor all bulk condensed milk products he sells (for his own account) and customarily receives shipment, in large or carload lots, at a warehouse owned or leased and maintained by him and not owned or controlled by any processor of condensed milk products or by any of the jobber's customers and whose daily sale to any customer of any of the bulk condensed milk products listed in subdivision (i) above, does not exceed 1,350 pounds.

(v) "Jobber's place of business" means the place where the jobber's warehouse described in subdivision (iv) above, is located.

(c) *Sales by processors of canned sweetened condensed milk in cartons.* (1) Maximum prices for sales and deliveries by a processor of sweetened condensed milk (as defined in paragraph (d) (15) and containing 42% sugar), in cans, packed in cartons shall be either (i) the prices listed in Table B subject to adjustments for variations in composition and can weights as set forth in (c) (2) below, or (ii) the maximum prices to purchasers (other than the United States Government, or any agency thereof) established by processors under § 1499.2 of the General Maximum Price Regulation [17] whichever shall be the higher:

TABLE B

PRICES ARE SUBJECT TO THE PROVISIONS OF PARAGRAPHS (a) (5) AND (a) (6)

[In dollars and cents per carton]

If delivered in—	Carton of 48 14-ounce cans	Carton of 24 14-ounce cans	Carton of 48 15-ounce cans	Carton of 24 15-ounce cans
Carloads to the United States Government or any agency thereof, f. o. b. processor's plant or warehouse	$6.25	$3.12½	$6.59	$3.29½
Carloads to the customary receiving point of buyers other than the United States Government or any agency thereof	6.25	3.12½	6.59	3.29½
Less carloads to physical premises of a retail store or of a food processor	6.40	3.20	6.74	3.37
Less carloads to the customary receiving point of other buyers	6.30	3.15	6.64	3.32

(2) *Composition adjustments.* (i) The maximum prices for cartons of 48 cans listed in Table B above shall be adjusted up or down for variations in the composition percentage of net weight per can of the finished product as set forth below:

Composition or can weight:	*Per carton of 48 cans*
Milk fat, for each ½% variation.	14¢ (add).
Milk solids not fat, for each 1% variation.	6¢ (add or deduct).
Sugar, for each 1% variation.	2½¢ (add or deduct).
Can weight, for each ½ ounce variation in net weight per can with standard composition as described in (c) (1).	17¢ (add or deduct).

(ii) Where a product contains added milk fat and increased or decreased milk solids and the net weight of the can is above or below 14 ounces the processor's maximum prices shall be figured as follows:

Find the price per carton of 48—14 ounce cans, with the varied ingredients in (c) (1) and (c) (2) above and adjust the total amount for each ½ ounce variation above or below the 14 ounce can weight by adding or deducting,

½¢ for each ½% of milk fat.
¼¢ for each 1% of milk solids not fat.

(iii) The price for cartons of 24 cans shall be ½ of the price for cartons of 48 cans; other quantities in proportion.

(3) Where canned sweetened condensed milk is sold f. o. b. or delivered to any point other than the buyer's customary receiving point, the maximum prices established in paragraphs (c) (1) and (c) (2), shall be reduced by the cost of transportation between that point and the buyer's customary receiving point, computed in the same manner as delivery charges are computed in paragraph (a) (4).

(d) *Definitions.* (1) "Milk" means cows' milk.

(2) "Skim milk" means cows' milk from which substantially all of the milk fat has been removed.

(3) "MSNF" means milk solids not fat.

(4) "Sugar", except where otherwise specifically limited, means refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose), or corn sirup.

(5) "Barrel" means a tight wooden barrel costing approximately 1 cent per pound of bulk sweetened condensed milk or of sweetened condensed skim milk.

(6) "Bulk" or "bulk packed" means packed or shipped in any form other than in hermetically-sealed containers of one gallon capacity or smaller.

(7) "Buyer's place of business" means the place at which a buyer conducts his principal business operations. This place may be the buyer's warehouse, his manufacturing plant, or his wholesale or retail store, depending on the nature of his business.

(8) "Customary receiving point" means that place, in the town or city where the buyer's place of business is located, at which the buyer customarily takes possession of condensed milk products. It may be either a railroad siding or the buyer's warehouse in that town or city.

(9) "Processor" means a person who manufactures for sale any of the products described in this section.

(10) "Plain condensed skim milk, concentrated skim milk" is the product resulting from the evaporation of a considerable portion of the moisture from skim milk, and contains not less than 20 percent of the solids of milk or skim milk.

(11) "Super-heated plain condensed skim milk" is plain condensed skim milk in which live steam has been introduced at a stage of processing.

(12) "Plain condensed milk, concentrated milk" is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It conforms to the definition and standard of identity for plain condensed milk, concentrated milk, promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2444.

(13) "Super-heated plain condensed milk" is plain condensed milk in which live steam has been introduced at a stage of processing.

(14) "Sweetened condensed skim milk is the liquid or semi-liquid product resulting from the evaporation of a considerable portion of the moisture from skim milk to which refined sugar (sucrose) or a combination of refined sugar (sucrose) and refined corn sugar (dextrose) has been added. It contains not less than 24 percent of the solids of milk or skim milk.

(15) "Sweetened condensed milk" is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milk fat. The quantity of refined sugar (sucrose) or any combination of sugar and refined corn sugar (dextrose) used is sufficient to prevent spoilage. It conforms to the definition and standard of identity for sweetened condensed milk promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2445.

(16) "Miscellaneous condensed product" means a condensed or concentrated liquid product, sold in bulk, which is not specifically named in and covered by this section 26, or by some other maximum price regulation, and the composition of which (exclusive of sugar and moisture) includes more than one-half (by weight or volume) of the solids of milk or skim milk.

[17] 9 F.R. 1385.

(e) Reference to other maximum price regulations governing sales of canned sweetened condensed milk:

(1) Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 421 and at retail under the provisions of Maximum Price Regulations Nos. 422 and 423.

(f) *Notification of new maximum price.* With the first delivery of canned sweetened condensed milk after April 8, 1944, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for canned sweetened condensed milk (describe item by kind, variety, grade, brand, style of pack, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after April 8, 1944. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

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.

This regulation shall become effective May 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 12th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6832; Filed, May 12, 1944; 11:43 a. m.]

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

[RMPR 257,[1] Amdt. 2]

PULPWOOD PRODUCED IN MINNESOTA, MICHIGAN AND WISCONSIN

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

Revised Maximum Price Regulation No. 257 is amended in the following respects:

1. In Appendix A (a) (1), the table of prices is amended to read as follows:

Species	Rough	Peeled or rossed
Spruce wood	$15.00	$18.00
	[1] 15.20	[1] 19.10
Balsam wood	13.00	16.00
	[1] 13.80	[1] 17.00
Jack pine wood	11.50	14.00
Hemlock wood	11.00	13.50
Poplar wood	9.00	11.50
		[2] 13.00
White birch wood	9.00	11.50

[1] For 133 cubic feet of properly piled wood in 50" lengths produced in Cook County of the State of Minnesota.

[2] For 147 cubic feet of properly piled wood in 58" lengths.

2. In section 8 (a), subparagraph (15) is amended to read as follows:

(15) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 8,000 cords of cordwood (pulpwood, box bolts, excelsior bolts or insulation short logs or any combination thereof) to consumers in the 1943–1944 operating seasons or who shall sell and deliver not less than 8,000 cords of cordwood to consumers in any subsequent operating season: *Provided, however,* That no dealer shall receive a commission on pulpwood sold and delivered during the 1943–1944 operating season unless such dealer has during such operating season sold and delivered at least 8,000 cords of pulpwood. "Operating season" means the period between the first day of May in one year and the last day of April in the next succeeding year;

3. In Appendix A (c) (2), subdivision (v) is amended to read as follows:

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation of the pulpwood, and that the charges are not in excess of Revised Maximum Price Regulation No. 257;

This amendment shall become effective May 12, 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 12th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6845; Filed, May 12, 1944; 4:30 p. m.]

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

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 49]

LOGS AND BOLTS

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 348 is amended in the following respects:

1. Appendix J, Table 1, is revised so that the maximum prices read as follows:

MAXIMUM PRICES

[Per unit of 147 cubic feet]

	Peeled	Unpeeled
Poplar	$13.25	$10.25
Basswood	13.25	10.25

(2). In Appendix K, Table 1, the area, species, grade or specification provision, and the table of maximum prices are amended to read as follows:

Area. The States of Minnesota, Wisconsin, and Michigan.

Species or type. Short logs or bolts suitable for manufacture into insulation materials. Must be freshly cut, green timber of Aspen (poplar), Jack Pine, Norway and White Pine, Balsam fir or Spruce.

Grade or specification. Insulation short logs or bolts shall be piled so that the cord volume can be accurately measured. All existing trade practices and customs with respect to allowances for culls, for fire kills, or for defective wood of any kind must be observed. The unit of measurement shall be a cord of not less than 128 cubic feet nor more than 133 cubic feet. In the event that insulation short logs or bolts are purchases to specifications other than the 128–133 cubic feet specification, the conversion of price must be based upon the 133 cubic feet basis.

No change in paragraph headed "*Definitions*".

MAXIMUM PRICES

[Per cord of 133 cubic feet]

Species	Rough	Peeled
Aspen (Poplar)	$9.00	$11.50
Jack Pine	11.50	.....
Norway and White Pine	11.50	.....
Balsam Fir	13.00	.....
Spruce	15.00	.....

This amendment shall become effective May 12, 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 12th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6843; Filed, May 12, 1944; 4:30 p. m.]

[1] 8 F.R. 11037, 12479.

[1] 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, 4104, 4686, 4599, 4983.

PART 1305—ADMINISTRATION

[Supp. Order 88]

EXEMPTION OF UNCLAIMED OR ABANDONED COMMODITIES SOLD AT AUCTION BY THE BUREAU OF CUSTOMS

A statement to accompany this Supplementary Order No. 88 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, it is hereby ordered that:

§ 1305.116 *Exemption of seized, unclaimed and abandoned commodities sold at auction by the Bureau of Customs.* (a) No provision of any price regulation shall apply to the sale of seized, unclaimed, or abandoned commodities by the Bureau of Customs if the aggregate quantity of all lots of such commodities of one general class or kind offered for sale by the collector of a customs district at a single auction sale has a domestic value of less than $500. An auction sale shall be considered a single auction sale although it continues over a period of more than one day. This exemption shall not apply to sales of distilled spirits or wine in any quantity.

(b) *Definitions.* As used in this Supplementary Order No. 88.

(1) The term "price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment thereto or order thereunder.

(2) The terms "distilled spirits" and "wine" shall be defined as provided in Maximum Price Regulation No. 445 or any amendment or revision thereof.

(3) The term "general class or kind" refers to commodities within a general commercial class, e. g., "raw wool", which includes all unspun wool, whatever the grade, and whether in the grease, washed, scoured, or carbonized.

(4) The term "domestic value" means the value determined in accordance with section 20.5 (b) or 23.12 (b) of the Customs Regulations of 1943.

(c) This Supplementary Order No. 88 shall become effective May 18, 1944.

Issued this 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6886; Filed, May 13, 1944; 11:53 a. m.]

PART 1306—IRON AND STEEL

[RPS 10,[1] Amdt. 9]

PIG IRON

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.*

The first paragraph of § 1306.52 is amended to read as follows:

§ 1306.52 *Maximum prices on sales of pig iron.* On and after June 24, 1941, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive, pig iron at prices in excess of the maximum prices established by this schedule, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

This amendment shall become effective May 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6844; Filed, May 12, 1944; 4:30 p. m.]

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

[Rev. RO 1C]

TIRE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Ration Order 1C is redesignated Revised Ration Order 1C and is revised and amended to read as follows:

Preamble. Significant overall changes in the rubber situation plus the inability of the Virgin Islands' motorist to obtain recapping services for his tires, and the absence of adequate supplies of other than new tires, have necessitated a realistic revision of Ration Order 1C to suit local needs. This Revised Ration Order 1C will assure the maintenance of essential needs and at the same time will remove certain unworkable features previously developed in the Virgin Islands as a result of the changing rubber scene.

§ 1315.15 *Tire rationing regulations for the Virgin Islands.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order 9125, issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-Q of the War Production Board issued January 24, 1942 and November 6, 1942 respectively, and under the authority vested in me by Second Revised General Order 21 of the Price Administrator, issued August 3, 1943, this Revised Ration Order 1C (Tire Rationing Regulations for the Virgin Islands), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.15 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121; 2nd Rev. Gen. Order 21, 8 F.R. 9243.

REVISED RATION ORDER NO. 1C—TIRE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

ARTICLE I—SCOPE

ARTICLE II—DEFINITIONS

ARTICLE III—ADMINISTRATION, JURISDICTION AND QUOTA

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

ARTICLE V—APPLICATIONS AND CERTIFICATES

ARTICLE VI—PROHIBITED AND PERMITTED TRANSACTIONS

ARTICLE VII—OTHER PROHIBITED ACTS

ARTICLE VIII—RECORDS AND REPORTS

ARTICLE IX—APPEALS

ARTICLE X—ENFORCEMENT

ARTICLE I—SCOPE

SECTION 1.1 *Territorial limitations.* This order shall apply to the Virgin Islands of the United States. It supersedes Ration Order 10[3] insofar as applicable to the Virgin Islands of the United States, subject to section 5.1 of General Ration Order 8,[2] issued by the Office of Price Administration.

---

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

[1] 8 F.R. 1236, 2482, 4627, 12014, 14152, 15255.

[1] 8 F.R. 10927.

[2] 8 F.R. 3783.

SEC. 1.2 *Effect on other ration orders.* This order shall not be construed to permit any act which would be in violation of any other ration order issued by the Office of Price Administration.

ARTICLE II—DEFINITIONS

SEC. 2.1 *Definitions.* (a) For the purpose of this order:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(3) "Bus" means any motor vehicle, other than a station wagon or suburban carryall, built or rebuilt primarily for the purpose of carrying passengers, licensed by a Municipality of the Virgin Islands to carry passengers for hire, and having a rated seating capacity of eight or more persons.

(4) "Certificate", unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire or tube.

(5) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(6) "Dealer" means any person, other than a manufacturer, engaged in the business of selling tires or tubes.

(7) "Director" means the person acting as Director of the Office of Price Administration for the Virgin Islands.

(8) "Implement tire" means a tire which has the word "Implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(9) "Manufacturer" means any person engaged in the business of manufacturing tires or tubes.

(10) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(11) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse or taxicab), built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including any motorcycle, station wagon or suburban carryall.

(12) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(13) "Person" means any individual, partnership, corporation, association, government, government agency, or subdivision, or any other organized group or enterprise.

(14) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(15) "Serial Number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(16) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger automobile, bus, truck or farm implement.

(17) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, deliver, shipment and hypothecation.

(18) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(19) "Truck" means any vehicle, other than a motorcycle, built or rebuilt primarily for the purpose of transporting or hauling property or equipment, including earth-movers, roadgraders, and similar off-the-road equipment.

(20) "Used", as applied to tires and tubes, means a tire or tube that has been run 1,000 miles or more and includes all tires and tubes, other than new tires and tubes as defined in paragraph (a) (10) of this section.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ARTICLE III—ADMINISTRATION, JURISDICTION AND QUOTA

SEC. 3.1 *Administration and personnel*—(a) *Personnel.* This order shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other personnel as it may select. The persons appointed to administer this order shall have such powers and duties as are herein described and as the Office of Price Administration has delegated, and may from time to time delegate.

(b) *Self interest shall disqualify officials.* No person participating in the administration of this order shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage, or adoption.

SEC. 3.2. *Jurisdiction of boards.* A board shall have jurisdiction to receive and act upon applications with respect to vehicles normally stationed or garaged within the area served by the board, and to perform such functions as are granted herein or delegated to it by the Office of Price Administration.

SEC. 3.3 *Quotas*—(a) *Quota not to be exceeded by boards.* No board shall issue a certificate for the acquisition of tires or tubes in excess of its quota established by the Office of Price Administration.

(b) *Basis for board consideration.* If a board has before it eligible applications in excess of its quota, the board shall, in determining which of the competing applications are to be granted, be governed by the relative importance of each applicant to the war effort, public health, public safety or the community. The board shall base its determination upon the application for a certificate and all other information which comes to its knowledge. The board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

SEC. 4.1 *General proof of need.* No board shall grant a certificate authorizing any person to acquire a tire or tube, and no person shall accept such certificate, unless the applicant is eligible under sections 4.2, 4.3 or 4.4 and in addition meets each of the following conditions:

(a) *Immediate need.* That the tire or tube for which application is made is to equip a vehicle held for use and not for resale, and is, except where the vehicle is required by reason of the nature of its use to operate at high rates of speed:

(1) To replace a tire or tube that cannot be used or repaired for further use, but not as a result of applicant's abuse; or

(2) To replace a lost or stolen tire or tubes; or

(3) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(4) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(b) *No abuse or neglect.* The Board in passing upon an application should make certain that the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace. The Board may consider among other things, as evidences of tire abuse, whether the vehicle for which a certificate is sought has been operating in excess of the applicable speed limit; or for purposes not permitted by this order, or operating while overloaded or with underinflated tires.

(c) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(d) *No available tire or tube.* That the applicant, other than a Federal, Insular, Municipal or foreign Government or Government agency, the American Red Cross, or a person required by reason of the nature of his services to operate a vehicle at high rates of speed, does not own or control a tire or tube other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used or repaired for use, in lieu of the tire or tube sought to be replaced. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form VIR–17 or R–17 (revised).

(e) *Condition of vehicle.* If an applicant is applying for a new tire or tube he must satisfy the Board that the vehicle on which the tire or tube is to be mounted is in such physical and mechanical condition as to permit the efficient operation of said vehicle for a period of time substantially equal to the normal life of such tire or tube.

(f) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires or tubes needed to perform functions deemed by the Board to be more essential to the war effort, public health or safety than the functions performed by the applicant.

(g) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available.

(h) *No other vehicle available.* That the vehicle for which application is made cannot be replaced by another vehicle owned or operated by the applicant, and which is already equipped with serviceable tires.

SEC. 4.2 *Eligibility—List A.* A certificate authorizing the purchase or acceptance of delivery of new or used tires or tubes, at applicant's option, may be granted, but only to the extent provided in section 4.1 (General Proof of Need) and otherwise provided in this order, to equip the following vehicles:

(a) A vehicle which is operated by a licensed physician, farm veterinary, nurse, midwife, dentist or assistant dentist, whose professional practice is to make regular calls outside his office, and which is used principally for making such professional calls.

(b) A vehicle which is operated by a regularly practicing minister of any religious faith and which is used principally in, and is necessary to the performance of his religious duties.

(c) A vehicle operated principally for one or more of the following purposes:

(1) An ambulance or hearse which is specially designed or equipped as such.

(2) Transportation of mail by or on behalf of the United States.

(3) Maintenance of fire-fighting services.

(4) Maintenance of public police services and other necessary law enforcement services engaged in the protection of the public health or safety.

(5) Maintenance of garbage disposal and other sanitation services.

(6) Transportation of students, teachers or other school employees to or from school, provided that alternative means of transportation are not adequate.

(7) Transportation of foods, farm produce and supplies to and from the farm by passenger automobile, if the applicant does not possess a truck or other practicable means of transportation.

(8) Transportation of the following persons: *Provided,* That alternative means of transportation are not adequate: workers to, from, within, or between any industrial, extractive, military, naval or hospital establishment, power generation or transmission facilities, transport or communication facilities, construction project, fishery or farm; disabled members of the armed forces to or from any hospital where their disabilities are treated.

(9) Transportation on official business of Federal, Territorial, local or foreign Government employees, or employees of the American Red Cross engaged in the performance of Government or organizational functions essential to the public health, safety, or the war effort. Any applicant hereunder who operates a privately-owned vehicle must satisfy the board that:

(i) He is a regularly employed and paid worker of the Government or Red Cross;

(ii) He is being compensated for the use of his vehicle on a mileage or similar basis;

(iii) That the services which applicant renders cannot be performed efficiently without the use of such vehicle.

(10) Transportation of members of the armed forces of the United States between residence and post of duty, or on official business, where no military vehicle is available.

(11) Transportation of persons to enable them to render construction or mechanical, structural, highway maintenance, or repair services, or to supervise and maintain agricultural production.

(d) Transportation of passengers as part of the services rendered to the public by a regular transportation system along regular routes or with regular schedules, from which the general public may obtain service upon the payment of a standard fare.

(e) Transportation of persons by taxicab.

(1) No certificate shall be issued to any taxicab under this paragraph, even though registered in the municipality as a taxicab, unless the Board is satisfied that the vehicle to be equipped is:

(i) Regularly operated as a bona fide taxicab and available to the general public as such at an established stand or call station;

(ii) Is conspicuously marked as a taxicab;

(iii) Does not cruise for the purpose of seeking fares; and

(iv) Is not used for sightseeing purposes.

(2) Taxicabs not eligible under this paragraph may be considered under section 4.3 or 4.4.

(f) A truck operated principally for one or more of the purposes stated above or for one or more of the following purposes: (1) Transportation of ice and fuel.

(2) Transportation of persons, materials and equipment for construction or for mechanical, structural or highway maintenance or repair.

(3) Transportation of freight by a common carrier furnishing services to the general public at standard rates.

(4) Transportation of raw materials, semi-manufactured goods, and finished products, including farm products, foods and supplies.

(g) Tractors, farm implements and construction equipment including earthmovers, road graders and similar off-the-road equipment for the operation of which tires or tubes are essential.

SEC. 4.3 *Eligibility—List B.* A certificate authorizing the purchase or acceptance of delivery of new or used tires or tubes may be granted, but only to the extent provided in section 4.1 (General Proof of Need) and otherwise provided in this order, to equip any other vehicle found by the Board to be essential to the community and there are no pending applications for vehicles eligible under section 4.2 (List A) above.

SEC. 4.4 *Eligibility—List C.* A certificate authorizing the purchase or acceptance of delivery of only used or recapped tires or a new or used tube may be granted at any time but only to the extent provided in section 4.1 (General Proof of Need) and otherwise provided in this order, to equip any vehicle, including animal-drawn vehicles, not included in section 4.2 (List A) above.

SEC. 4.5 *Allotments to dealers.* (a) Certificates authorizing dealers, or persons who in good faith intend to become dealers, to acquire or increase inventories of tires and tubes may be issued by the Director in such amounts as he shall determine necessary to meet the needs of essential vehicles in the Virgin Islands. The Director may refuse the allotment if granting it will in his judgment impair or defeat the effectiveness or policies of this order.

SEC. 4.6 *Turn-in tires and tubes.* (a) Except as provided in paragraph (b) of this section, applicants need not turn in tires or tubes in exchange for replacements as heretofore. Any used tire or tube owned by a dealer and previously acquired as a turn-in may be transferred, but only in exchange for a certificate authorizing such transfer. Such tires and tubes and accompanying Parts B of OPA Form R–2 shall now be reported (see section 8.4) as part of present inventories upon OPA Form VIR–17 (revised).

(b) *Trade-ins required.* An applicant who is a Federal, Insular, municipal or other Government or Government agency, the American Red Cross or a person whose services require him to operate at high rates of speed must trade in the tires or tubes which are to be replaced. The requirement of this paragraph with respect to the trading in of tires and tubes shall not apply if the applicant can establish to the satisfaction of the Board that he has no tires or tubes to turn in because they have been stolen, or if the applicant is a Government agency forbidden by law to make such disposition of Government property, or for similar reasons.

(c) *Notation on certificate.* Where the applicant is required to trade in tires or tubes under paragraph (b) above, the Board shall prior to granting the certificate make a proper notation thereon, and no dealer shall accept such certificate unless accompanied by the tires or tubes indicated thereon to be traded in.

ARTICLE V—APPLICATIONS AND CERTIFICATES

SEC. 5.1 *Applications; who may execute and file.* (a) The registered owner of a motor vehicle or his duly authorized agent having personal knowledge of the facts may file with the Board having jurisdiction an application on OPA Form R–1 (revised October 1, 1942) for a cer-

tificate authorizing the acquisition of tires or tubes; but no member or employee of the Board to which application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Board, (2) facts showing need and eligibility for the tires or tubes for which application is made; and (3) such additional information and commitments as may be required by the application or by the Board.

(c) *Declaration of tires.* All tires and tubes held by an applicant and capable of being used upon a vehicle eligible under sections 4.2, 4.3 or 4.4 above must be truthfully declared on OPA Form VIR–534 (revised) prescribed by the Director and filed with the Board, unless such information has already been filed. The Board shall refuse to act upon any application until such information has been truthfully and accurately filed.

(d) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 5.2 *Filing of applications.* (a) Applications for certificates authorizing the acquisition of tires or tubes shall be filed with the Board having jurisdiction under section 3.2. A separate application must be filed on OPA Form R–1 (revised October 1, 1942) for each vehicle.

SEC. 5.3 *Applications by dealers.* Applications for allotments to dealers shall be made by the dealer, or his duly authorized agent, in writing to the Director and shall set forth such information as the Director may require in order to provide for the needs of essential vehicles in the Virgin Islands.

SEC. 5.4 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No person may file an application for a certificate and no such application shall be considered by a Board, until an Inspector authorized and appointed by the Director has currently inspected the tires or tubes to be replaced and has executed and signed the "Certification by Inspector" contained in OPA Form R–1. This paragraph shall not apply when application is made to acquire a tire or tube necessary to equip an altered or reconstructed vehicle, or a vehicle not equipped with the number of tires permitted in section 4.1 (d), or to replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify on OPA Form R–1 any fact concerning the condition of a tire or tube unless he has made adequate inspection to determine such fact.

(c) *Compensation to inspector.* No inspector may charge more than twenty-five cents (25¢) per vehicle for replacement inspection, except that sums not in excess of those set forth in the following schedule may be paid the Inspector or to any other person for their service in removing and replacing a tire when such service is necessary for inspection purposes:

Type of tire:	*Maximum fee*
Passenger car tires, each	$0.50
½ ton truck tires, each	.50
Larger than ½ ton truck tires, each	1.00
Additional charge for removing inside dual truck tires, each	.50

SEC. 5.5 *Investigation of facts by Boards*—(a) *Power of the Board.* Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for new tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by section 4.1 (d) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such an affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 5.6 *Notation of reasons for action.* (a) Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number and type of tires or tubes shall be noted upon the application; and if the applicant is required to trade in tires or tubes (see section 4.6) the number, type and serial numbers of the trade-in tires and the number and size of the trade-in tubes shall be noted on the application and upon the certificate.

SEC. 5.7 *Form of certificates to be issued*—(a) *By a Board.* The Board may issue to an applicant who has established need and eligibility under this order a certificate on OPA Form R–2 authorizing an applicant to acquire new tires or tubes. A separate certificate shall be issued for tires and tubes.

(b) *By the Director.* The Director may issue Parts B of OPA Form R–2 for allotments to dealers or to persons who in good faith intend to become dealers.

SEC. 5.8 *Certificate non-transferable.* No certificate or any part thereof may be transferred except as authorized by this order or by the Office of Price Administration, or in exchange for tires or tubes.

SEC. 5.9 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the Board prior to issuing any certificate to fill in Parts A and B of the certificate setting forth the information required and, if trade-ins are required, to make the proper notation thereon (see sections 4.6 and 5.6). It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either the Chairman or a member of the Tire Panel. The Board shall indicate on the certificate the exact number, type and wheel or rim size of the new tires or tubes which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* The Board shall issue the certificate by delivering or mailing it to the applicant or his agent. If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only."

SEC. 5.10 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires or tubes specified thereon. The same person shall sign Parts B, C, and D of OPA Form R–2 where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C or D of OPA Form R–2.

(c) *Where trade-ins required.* If the certificate bears a notation indicating that the tire or tube being replaced must be traded in (see section 4.6 (b)—Trade-ins required) the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, trade in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If such applicant acquires a tire or tube by mail, he shall within five days thereafter transfer the replaced tire or tube to a dealer.

SEC. 5.11 *Action by suppliers.* (a) In cases where the certificate bears a notation indicating that the applicant is required by section 4.6 to turn in tires or tubes, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tires or tubes to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer shall transfer tires or tubes to a consumer until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer to whom the certificate has been surrendered, shall deliver to the person indicated thereon, or to his agent, no more than the exact number, type and wheel or rim size of tires or tubes set forth on the certificate.

SEC. 5.12 *Splitting of certificates.* The holder of a certificate or part of a certificate who is unable to acquire from one supplier all the tires or tubes which he has been authorized to acquire may return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires or tubes from several suppliers.

SEC. 5.13 *Refusal of certificate.* If a Board or other agent designated by the Office of Price Administration finds after due notice and hearing that an applicant has violated any provision of this order or of Ration Order No. 8 (Gasoline Rationing Regulations for the Virgin Islands), the Board may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period of time as it shall deem appropriate in the interest of the public health, safety, or the war effort, subject to review as provided in section 8.2. In such case, the Board or such other agent shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

ARTICLE VI—PROHIBITED AND PERMITTED TRANSACTIONS

SEC. 6.1 *Prohibitions.* Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by this order or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any usable tire or tube as defined herein;

(b) Use, alter, or change the physical location of any such tire or tube; or

(c) Mount any such tire or tube upon a wheel or rim.

SEC. 6.2 *Mounting or use of tires and tubes*—(a) *Generally.* Any person may change the physical location of, use or mount usable tires or tubes as defined herein which were owned and physically possessed by him prior to October 1, 1942, or acquired on certificate issued by a Board or a receipt, provided no change in ownership, possession or control occurs, and provided further that such tire or tube has been declared as required by section 5.1 (c).

(b) *By dealers.* A dealer shall not mount or use tires or tubes taken from his stock upon a vehicle owned by him unless he has obtained a certificate authorizing such mounting or use.

SEC. 6.3 *Transfers to certificate holders*—(a) *By dealers.* A dealer may, in exchange for a certificate, transfer new or used tires or tubes to the holder of such certificate or his duly authorized agent, *Provided,* That no new tire or tube shall be transferred unless the certificate clearly and plainly so specifies.

(b) *No tire in stock.* A dealer who does not have in stock a tire or tube ordered by a certificate holder may, with such holder's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes authorized thereby for transfer to such holder.

(c) *Recappable tires or tires requiring repair.* A dealer but no other person may transfer to a certificate holder in exchange for a certificate a usable tire even though such tire is in need of repair or is capable of being recapped.

SEC. 6.4 *Dealer transfers*—(a) *Changes in location.* A manufacturer or dealer may change the location of new tires or tubes within a single establishment or the location of the establishment itself, including the entire stock of tires or tubes contained therein; *Provided,* That no change in ownership, possession or control occurs.

(b) *Tires or tubes*—(1) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R–2 and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the new tires or tubes specified thereon.

(2) *Premitted replenishment of tires or tubes.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt, transfer to another dealer the exact number, type and wheel or rim size of new or used tires or tubes as the case may be, authorized by the certificate or receipt. A dealer may also replenish his stock from suppliers in Puerto Rico or in the continental United States.

(3) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer tires or tubes to his supplier only for the following purposes:

(i) To return tires or tubes of a size, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor tires or tubes of the wheel or rim size, type or quality ordered;

(ii) To effect adjustments between the dealer and his supplier pursuant to a contract or sales agreement.

(c) *Transfer or dealer's business.* Any dealer may, without certificate, transfer as a unit his entire stock of tires or tubes together with any replenishment portions (Part B) of certificates or receipts to other dealers who may acquire such stock for resale: *Provided,* That the transferor shall file a statement, containing the name and address of the transferee and an inventory of the tires, tubes and replenishment portions (Part B) to be transferred, with the Director at least ten (10) days before making such transfer.

(d) *Transfer to dealer's warehouse.* Any dealer may, without certificate, transfer tires or tubes for the purpose of storage to any warehouse owned or operated by him if no change in ownership or control of such tires or tubes is thereby effected. Any dealer may, without certificate, withdraw the tires or tubes stored in such warehouse.

SEC. 6.5 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Tires or tubes may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or the Government of the Virgin Islands may acquire from any person any tire or tube in the exercise of governmental rights or powers against such tire or tube.

(2) *Judicial process.* Any person may acquire any tire or tube pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(3) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire or tube that has been damaged or that is in imminent danger of being damaged or destroyed.

(4) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire or tube in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The Government of the Virgin Islands, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business may, without certificate, acquire tires or tubes for security purposes and may, without certificate, transfer such tires or tubes to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires or tubes and may satisfy or release such lien. Such security interest or lien may be enforced in the manner provided by applicable laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

SEC. 6.6 *Transfers without certificates, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires or tubes to the Reconstruction Finance Corporation or any representative designated to receive tires or tubes on its behalf.

(b) *Changes in location.* Any person other than a dealer may, without certificate, change the location of tires or tubes if no change in ownership, possession or control results.

(c) *By persons to a dealer.* A person, other than a dealer or manufacturer, may, without certificate, transfer tires or tubes to a dealer.

(d) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair, and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(f) *Return of lost or stolen tires or tubes.* A person may, without certificate,

transfer tires or tubes which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(g) *Exchange of new tires or tubes.* A consumer who in exchange for a certificate acquires any new tire or tube that is of a size or type different from that ordered may, without certificate, but only within 30 days after its acquisition, exchange it with the transferor for the size or type ordered, if such tire or tube has not been used by the person.

(h) *Trade-in of tires or tubes to be replaced.* A person holding a certificate authorizing the purchase of a tire or tube which bears a notation indicating that he is required to trade in the tire or tube being replaced, shall transfer such tire or tube being replaced to a dealer. The dealer may thereafter transfer such traded-in tire or tube only in exchange for a certificate; he may, however, retain and use the accompanying Part B for replenishment purposes.

(i) *Transfers for recapping.* (1) A person may transfer a tire to a dealer for recapping service but only if accompanied by a certificate authorizing the purchase of a used tire, a recapped tire or recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing the purchase of a used or recapped tire or recapping service, and the recapper may transfer a used or recapped tire or recapping service in exchange for such Part B.

(j) *Transfers to and from carriers.* A person may, without certificate transfer tires or tubes to a common or contract carrier for shipment, and such tires or tubes may be transferred by such carrier to the consignee in the regular course of business.

(k) *Change overs.* A dealer may transfer new tires or tubes to a rebuilder or dealer in vehicles in exchange for new tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the Director or Assistant Director.

(l) *Temporary transfers, mounting and use of tires and tubes.* Any person may, for a period not to exceed 24 hours, temporarily transfer without certificate a tire or tube to be mounted and used on a passenger automobile, truck or bus, but solely as an emergency aid in removing such passenger automobile, truck or bus from the highway.

SEC. 6.7 *Transfers to certain Government agencies*—(a) *Transfers.* A person may transfer tires or tubes to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it.

(b) *Receipt.* A dealer who makes any transfer pursuant to paragraph (a) shall obtain a receipt from the purchaser upon OPA Form R–12 (Revised).

ARTICLE VII—OTHER PROHIBITED ACTS

SEC. 7.1 *Offenses*—(a) *Mutilation and forgery of certificates.* No person shall without lawful authority wilfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), or any part thereof, and no person shall counterfeit or forge any such instrument or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of this order.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued or by whom it was acquired in accordance with the provisions of this order.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use or permit the use of any tires or tubes acquired in violation of this order, and no person shall possess, use or permit the use of tires or tubes acquired under this order for any purpose other than one for which a tire or tube may be obtained under this order.

(f) *Abuse of tires.* No person shall, without lawful authority, abuse, damage or neglect any tire or tube in his possession or control.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed in excess of the applicable speed laws. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or where necessary to meet an emergency involving serious threat to life, health, or safety: *Provided,* That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Declaration of tires.* No person shall use or permit the use of tires or tubes on a rubber-borne vehicle unless he has declared all tires and tubes held by him as required in section 5.1 (c).

(i) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 8 or for which gasoline or other fuel is used in violation of that order.

(j) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of this order, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(k) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of this order.

(l) *Discrimination by dealers.* Except as otherwise provided in this order, no dealer shall discriminate in the transfer of tires or tubes among any consumers lawfully entitled to acquire tires or tubes under the provisions of this order by selling only to favored consumers or classes of consumers or only to regular customers, or by refusing to sell to others who are entitled to acquire tires or tubes under the provisions of this order.

ARTICLE VIII—RECORDS AND REPORTS

SEC. 8.1 *Posting names of successful applicants.* Following each Board meeting, a list of the names of the recipients of certificates for new tires and tubes issued since the previous meeting shall be posted at the Office of Price Administration for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or government intelligence officers whose work requires secrecy.

SEC. 8.2 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for tires or tubes.* A transferor of tires or tubes to whom a certificate is surrendered by an applicant, or who receives an OPA Form R–12 receipt shall complete all the parts thereof and dispose of them as follows:

(1) Part A—Part A of OPA Form R–2 shall be retained by the transferor as his record; Part A of OPA Form R–12 shall be sent to the Director within three days from the end of each calendar month in which deliveries have been made.

(2) Part B—Parts B not used for replenishment must be retained by the dealer as his record.

(3) Part C—Part C of OPA Form R–2 shall within three days of the date of transfer of the tires or tubes, be sent to the issuing Board which shall retain it as its record. Part C of OPA Form R–12 shall be retained by the transferor as his record.

(4) Part D—Part D of OPA Form R–2 and OPA Form R–12 shall be retained by the transferee as his record.

(b) *By manufacturers' outlets.* Every manufacturer keeping a stock of tires or tubes upon premises located within the Virgin Islands pursuant to authorization of the Office of Price Administration, Washington, D. C., or the individual designated as his agent to be responsible for such stock of tires or tubes, shall at the end of each month surrender to the Director or Assistant Director, along with the monthly inventory report required by section 8.4, all replenishment portions (Parts B) of certificates received during the month for which such report is made.

SEC. 8.3 *Records to be kept by dealers.* (a) Each dealer shall preserve and maintain for inspection by the Office of Price Administration a file of all Parts A of OPA Form R–2 and Parts C of OPA Form R–12 which he has received and which must be completely filled out.

SEC. 8.4 *Records to be filed by dealers—*(a) *Transfer of dealer's business.* A transferor of a dealer's business under section 6.4 (c) shall file with the Director at least ten (10) days before making such transfer a statement setting forth the name and address of the person to whom such business is to be transferred and an inventory of all tires, tubes and Parts B involved in such transfer.

SEC. 8.5 *Inventories of sellers of tires and tubes or vehicles.* Every person engaged in the business of selling or holding for sale tires, tubes or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the creditor to take possession of the vehicle shall:

(a) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control, including all trade-ins acquired by him prior to the effective date of this order and accompanying Parts B (see section 4.6), and keep a record thereof. Such inventory shall be based upon a physical count.

(b) File a report on OPA Form VIR–17 in accordance with the instructions thereon for the month ending March 31, 1944, and monthly thereafter, setting forth all unmounted tires and tubes in his possession or control on the last day of such month, including all turn-ins or trade-ins acquired by him and accompanying Parts B, and all transfers of tires and tubes made during such month. Transfers permitted by section 6.6 (e) relating to transfers for repair, mounting or inspection need not be recorded hereunder. A separate report for each establishment where tires or tubes are located, whether such establishment is used for sale or storage, shall be filed with the Director or Assistant Director on or before the fifth day of the succeeding month.

ARTICLE IX—APPEALS

SEC. 9.1 *Decision of Board.* After acting upon an application the Board shall, within three (3) days, notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

SEC. 9.2 *Who may appeal.* Any applicant for a certificate, part of a certificate, or authorization, whose application has been denied in whole or in part by the action of a Board, may appeal from such action to the Director.

SEC. 9.3 *Procedure.* An appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, and amendments thereto, issued by the Office of Price Administration.

ARTICLE X—ENFORCEMENT

SEC. 10.1 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of this order, or who otherwise knowingly furnishes false information to a Board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of this order may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of this order, may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 10.2 *Suspension orders.* Any person who violates this order may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes, or gasoline in accordance with the provisions of Procedural Regulation No. 4 and amendments thereto, issued by the Office of Price Administration.

Effective date. Revised Ration Order No. 1C shall become effective as of May 1, 1944.

Issued this 13th day of May 1944.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator.
Region IX.

[F. R. Doc. 44–6877; Filed, May 13, 1944; 11:46 a. m.]

PART 1316—COTTON TEXTILES

[MPR 11,[1] Amdt. 17]

FINE COTTON GOODS

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

Maximum Price Regulation No. 11 is amended in the following respects:

1. In § 1316.4 Table I under the heading "lawns" reference No. AB 43 is added to read as follows:

AB 43 39'' 96 x 72 5.75 ..... 15.70

2. In § 1316.4 Table I under the heading "poplin" reference No. AO 15 is added to read as follows:

AO 15 37½'' 102 x 48 3.15 (ply warp and filling) 31.12

3. In § 1316.4 Table I under the heading "printer's blanket fabric" reference Nos. BD 12, BD 13, BD 14 and BD 15 are added to read as follows:

BD 12 74'' 46/92 x 60 1.41 (ply warp) .. 90.82
BD 13 82'' 46/92 x 60 1.27 (ply warp) .. 100.23
BD 14 95'' 46/92 x 60 1.09 (ply warp) .. 114.54
BD 15 54'' 52 x 44 1.46 (ply yarn) 63.37

4. Under § 1316.4 Table I the title "warp clip fabric" and reference No. BX 1 and BX 2 are added to read as follows:

WARP CLIP FABRICS

BX 1 39.5'' 60/68 x 48 7.00 unclipped weight (natural) 17.53
BX 2 39.5'' 60/68 x 48 7.00 unclipped weight (colored) 18.43

5. In § 1316.4 the second paragraph of Table II is amended by changing the number "37" to read "36", and by adding after the word "sley" the following parenthetical phrase "(including cords if used but exclusive of salvage ends)".

This amendment shall become effective May 18, 1944.

(56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6872; Filed, May 13, 1944; 11:48 a. m.]

PART 1363—FEEDINGSTUFFS

[RMPR 74, Amdt. 6]

ANIMAL PRODUCT FEEDINGSTUFFS

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

Revised Maximum Price Regulation 74 is amended in the following respects:

1. Section 3 is amended by adding a new definition to read as follows:

"Conversion plant" means any place where dry rendered tankage, wet rendered tankage or dried blood is converted into meat scraps, digester tankage, blood meal or blood flour.

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

(b) The maximum price for the sale of imported dry rendered tankage, per ton, bulk, by any person shall be at the rate of $1.25 for each percentage of protein therein, delivered at any conversion plant in the 48 States or the District of Columbia of the United States.

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

(b) The maximum price for the sale of imported wet rendered tankage and dried blood, per ton, bulk, by any person

---

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

[1] 9 F.R. 2661, 3577.

shall be at the rate of $5.53 for each percentage of ammonia therein delivered at any conversion plant in the 48 States or the District of Columbia of the United States.

This amendment shall become effective May 18, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6879; Filed, May 13, 1944; 11:49 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364[1], Amdt. 18]

FROZEN FISH AND SEAFOOD

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

Maximum Price Regulation No. 364 is amended in the following respects:

1. Section 2 is amended by inserting after the sentence "If the processor freezes the fish or seafood in any place other than that port where the species is landed ex-vessel or shipped in by a producer, he may add as transportation allowance to the listed base price the actual per pound transportation cost, not to exceed the carload rail freight rate per pound for fresh fish, where such rate is available, from the port of entry to the freezing point, excluding any charges for local trucking, hauling and handling." the sentence "However, no such transportation allowance may be added to the base price listed for Schedule No. 11 (g) (Petrale sole—Pacific), 17 (Lingcod—Pacific), 40 (Dover sole), 40A (English sole), 40B (Sand sole), 40C (Turbot sole), 62 (Flounder—Pacific) or 67 (Rex sole), if any of these varieties has been landed fresh ex-vessel at any of the following ports of entry in California: Half Moon Bay, Point Reyes, Bodega Bay, Crescent City, Trinidad or Shelter Cove, and it is frozen in California, Washington or Oregon."

2. That part of section 3 (b) preceding 3 (b) (1) is amended to read as follows:

(b) *Net cost.* The wholesaler's "net cost" is the amount he paid for the particular item of frozen fish or seafood delivered at his established place of doing business, plus or minus any package differentials listed in section 13, less all discounts allowed him except the discount for prompt payment, and excluding any charges for local trucking, hauling and handling. Except that for sales of halibut, the wholesaler's "net cost" shall not exceed the lowest amount determined by the application of this paragraph of section 3 (b) and subparagraph (1) of this section 3 (b). After May 31, 1944, in the case of sales of frozen fish listed in Schedule Nos. 11 (g) (Petrale sole—Pacific), 17 (Lingcod—Pacific), 25 (Red cod—Pacific Coast), 40 (Dover sole), 40A (English sole), 40B (Sand sole), 40C (Turbot sole), 61 (True cod), 62 (Flounder—Pacific) and 67 (Rex sole) in the table of base prices in section 14, and after May 19, 1944, in the case of sales of any other frozen fish or seafood listed in the table of base prices in section 14, the wholesaler's "net cost" must not exceed the sum of the following: (1) the base price listed for the species in the table of base prices in section 14 on May 20, 1944, plus or minus (2) any package differentials listed in section 13 added or subtracted by previous handlers of the fish or seafood, plus (3) allowable transportation costs added by previous handlers of the fish or seafood, plus (4) the appropriate mark-up allowed his supplier in section 3 (d) (1) if his supplier is a primary wholesaler, plus or minus (5) any package differentials listed in section 13 for packaging changes, if any, made by the wholesaler, plus (6) allowable transportation costs for delivery of the frozen fish or seafood to the established place of doing business of the wholesaler from his supplier's place of business, exclusive of local trucking, hauling and handling. Any wholesaler who buys frozen fish or seafood and processes it by a style of processing for which a price is listed in the table of base prices in section 14 may include as part of his "net cost" the difference between the price listed in the table for the frozen fish or seafood in the condition in which it is purchased by the wholesaler and the price listed in the table for the fish or seafood in the condition it is after processing by the wholesaler.

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

(5) *Broken lots.* An allowance of 10 percent may be added to the mark-up for the classes of sales specified in the regulation by a processor or wholesaler who sells frozen fish or seafood, other than fillets or steaks, in broken lots to retailers or purveyors of meals: *Provided,* That no such allowance may be added for fish or seafood sold or delivered from the place where it has been frozen. A sale of a broken lot of fish or seafood is a sale of a partial lot of fish or seafood which the processor or wholesaler has broken or separated from the original content of the immediate container in which the product had been packed by the processor and which partial lot the processor or wholesaler sells and delivers to a customer apart from the remainder of the original content of the immediate container.

4. In the table of base prices in section 14, Schedule Nos. 11 (g), 17, 25, 40, 40A, 40B, 40C, 61, 62, and 67 are amended to read as follows:

Schedule No.	Name	Item No.	Style of processing	Size	Base price per pound
11	(g) Sole, Petrale—Pacific	1	Round	All sizes	$0.08½
		2	Dressed	All sizes	.10½
		3	Dressed and skinned	All sizes	.12¾
		4	Fillets	All sizes	.25½
17	Lingcod—Pacific (Ophiodon elongatus).[2]	1	Dressed	All sizes	.11½
		2	Fillets	All sizes	.23½
25	Red cod or Rock cod—Pacific (Sebastodes species).	1	Round	All sizes	.07
		2	Dressed	All sizes	.10½
		3	Fillets	All sizes	.23
40	Sole, Dover—Pacific	1	Round	All sizes	.07
		2	Dressed	All sizes	.08½
		3	Dressed and skinned	All sizes	.10½
		4	Fillets	All sizes	.23½
40A	Sole, English—Pacific	1	Round	13 in. and over	.08
		2	Round	11½ to 13 in	.06½
		3	Dressed	13 in. and over	.09¾
		4	Dressed	11½ to 13 in	.07⅞
		5	Dressed and skinned	All sizes	.10¾
		6	Fillets	All sizes	.23½
40B	Sole, Sand—Pacific	1	Round	All sizes	.07½
		2	Dressed	All sizes	.09¾
		3	Dressed and skinned	All sizes	.11
		4	Fillets	All sizes	.23½
40C	Sole, Turbot—Pacific	1	Round	All sizes	.07
		2	Dressed	All sizes	.08½
		3	Skinned	All sizes	.10½
		4	Fillets	All sizes	.23½
61	Cod, True—Pacific (Gadus macrocephalus).	1	Round	All sizes	.08
		2	Dressed	All sizes	.09¼
		3	Fillets	All sizes	.19¼
62	Flounder—Pacific	1	Round	All sizes	.07
		2	Dressed	All sizes	.09¼
		3	Fillets	All sizes	.23½
67	Sole, Rex—Pacific	1	Round	All sizes	.04½
		2	Dressed and skinned	All sizes	.10½

This amendment shall become effective May 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 12th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6846; Filed, May 12, 1944; 4:31 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 507,[1] Amdt. 4]

CEILING PRICES OF CERTAIN FRESH FISH AND SEAFOOD SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

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

[1] 8 F.R. 4640, 5566, 7592, 11175, 12023, 12446, 12792, 14079, 15191, 15562, 16998, 9 F.R. 183, 946, 2023.

[1] 9 F.R. 607, 3511, 3512, 4540.

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

Maximum Price Regulation No. 507 is amended in the following respects:

1. Section 5 is amended to read as follows:

SEC. 5. *Prices which you must post.* At all times, you must have your current selling price for each item covered by this regulation clearly shown at the place where you offer the item for sale. Of course, this posted price must never exceed your ceiling price.

2. A new section 12 (a) is added to read as follows:

(a) Effective May 25, 1944, this regulation requires that the year 1943 be used as the basis for figuring your annual gross sales instead of the year 1942. If you find that as a result of that change, your store is in a different group from the one it was in before, you must, by the opening of business on Thursday, June 15, 1944, refigure all of your ceiling prices. You must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling price on that Thursday under section 3 of this regulation.

3. A new section 12a is added to read as follows:

SEC. 12a. *Delegation to Regional Administrator for Region VIII.* The Regional Aministrator for Region VIII may, by order, fix cents-per-pound mark-ups over "net cost" for sales by retail stores, retail route sellers and wagon retailers of those species of fresh fish and seafood for which no mark-ups have been established in Maximum Price Regulation No. 507 and for which the Regional Administrator, under the authority of section 20 (a) of Maximum Price Regulation No. 418,[2] has by order fixed maximum prices for sales at other levels of distribution: *Provided, however,* That the mark-ups so established shall not exceed those generally prevailing during 1942.

The Regional Administrator for Region VIII shall issue with each order an opinion setting out that the above conditions have been satisfied. Each order shall include all of the provisions of general applicability in Maximum Price Regulation No. 507. Any order issued pursuant to this section shall apply to the area designated by the Regional Administrator, but in no event shall the order extend beyond the limits of Region VIII.

4. In section 17 (c), the date June 24, 1944, is substituted for the date March 1, 1944.

5. Section 18 is amended to read as follows:

SEC. 18. *Applications for adjustment.* Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation, and may deny any application filed under section 17 or revoke any order granting adjustment under that section if denial of such application would not cause the applicant a substantial financial hardship. Applications for adjustment are governed by Revised Procedural Regulation No. 1.[3]

6. Section 19 is amended to read as follows:

SEC. 19. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1943. Include all sales as shown on your books, except sales by a restaurant in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1943 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1943, you must divide your total sales from the time you began operation up to January 26, 1944, by the number of weeks you were in business. This will get you your weekly average sales. Multiply the figure by 52, and the result is your "annual gross sales".

7. In section 20 (b), the first sentence is amended to read as follows: "If you open a retail store after January 26, 1944, you may consider yourself a Group 1 store if you are an 'independent' store, or a Group 3 store if you are not an 'independent' store."

8. In section 26, Table A is amended to read as follows:

CENTS-PER-POUND MARK-UPS OVER "NET COST" ALLOWED TO RETAILERS FOR FRESH FISH AND SEAFOOD COVERED BY THIS REGULATION, BY SPECIES, FOR THE MONTHS OF MAY, JUNE, JULY, AUGUST, AND SEPTEMBER

	Whole fish, sold on gross weight basis and prepared to customer's order [1]		Fillets, cuts and steaks sold as purchased [1]	
	Groups I and II	Groups III and IV	Groups I and II	Groups III and IV
I. FRESH FISH KIND OF FISH	*Cents per pound*	*Cents per pound*	*Cents per pound*	*Cents per pound*
1. Alewives	7	5		
2. Blackback	8	6	10	7
3. Codfish, Atlantic	9	7	10	7
4. Cusk	8	7	9	6
5. Dab, Sea	8	6	10	7
6. Haddock	8	6	10	7
7. Hake	8	6	9	6
8. Hake, Mud	7	6		
9. Herring, Atlantic	7	5		
10. Pollock	8	6	9	6
11. Rosefish	8	6	9	6
12. Sole, Grey	8	7	11	9
13. Sole, Lemon	9	7	11	10
14. Swordfish			11	10
15. Whiting	8	6	9	7
16. Wolffish	9	8	10	7
17. Yellowtail, Atlantic	8	6	10	7
18. Bonito	9	7	9	7
19. Cod, True, Pacific	8	6	9	6
20. Flounder, Pacific	8	6	10	7
21. Halibut	10	8	10	7
22. Ling Cod, Pacific	8	7	10	7
23. Rock (Red) Cod, Pacific	8	6	10	7
24. Sablefish	9	7	9	7
25. Salmon, Chinook, King	10	8	10	8
26. Salmon, Silver	10	8	10	7
27. Salmon, Pink	9	7	9	7
28. Salmon, Fall	9	7	9	7
29. Sauger, Sand Pike	9	7	10	8
30. Smelt, Silver, Pacific	9	7		
31. Sole, Dover	8	6	10	7
32. Sole, English	8	6	10	7
33. Sole, Petrale	8	6	10	7
34. Sole, Sand	8	6	10	7
35. Sole, Turbot	8	6	10	7
36. Tuna, Albacore			11	9
37. Tuna, Bluefin			10	7
38. Tuna, Skipjack, Striped			10	7
39. Tuna, Yellowfin			10	7
40. Yellowtail, Pacific	9	7	9	7
41. Lake Trout, Canadian	10	8	12	11
42. Pickerel, Canadian	9	8	10	8
43. Whitefish, Canadian	11	9	12	11
44. Yellow Pike, Canadian	11	9	12	10
45. Yellow Perch, Canadian	9	7		

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

[2] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049, 14475, 14616, 15257, 15430, 16131, 16293, 16296; 9 F.R. 90, 1325, 1532, 1575, 2133, 2408, 2691, 3038, 3388, 3578, 3940, 4350.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

Fresh Seafood Sold as Purchased [1]

	Groups I and II	Groups III and IV
II. FRESH SEAFOOD		
KIND OF SEAFOOD	*Cents per pound*	*Cents per pound*
1. Scallops, Bay	14	13
2. Scallops, Sea	12	11
3. Shrimp, and Prawn	10	8

[1] Retailers processing items prior to offering for sale at retail, who price in accordance with section 15 (a) (2) or section 15 (b) (2) shall use these tables.

This amendment shall become effective May 25, 1944, except insofar as it relates to sections 12a and 26, for which it shall become effective May 18, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6873; Filed, May 13, 1944; 11:49 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 161,[1] Amdt. 13]

WEST COAST LOGS

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 161 is amended in the following respects:

1. Section 1381.152 is amended to read as follows:

§ 1381.152 *What logs are covered.* This regulation covers under the name of "West Coast Logs" all logs produced in those parts of Oregon, Washington and Canada, West of the crest of the Cascade Mountains and in Skamania and Klickitat counties in Washington and Hood River and Wasco in Oregon, of the following species: Douglas fir (Pseudotsuga taxifolia), western hemlock (Tsuga merstensiana, Tsuga heterophylla), Sitka spruce (Picea sitchensis), western white fir (Abies grandis, Abies amabilis, Abies magnifica, Abies lasiocarpa), noble fir (Abies nobilis), western white pine (Pinus monticola), western red cedar (Thuya plicata), and ponderosa pine (Pinus ponderosa).

2. Section 1381.153 (e) (3) is amended to read as follows:

(3) Columbia River District consists of the counties of Wahkiakum, Cowlitz, Clark, Skamania and Klickitat in Washington and Benton, Clackamas, Clatsop, Columbia, Hood River, Linn, Marion, Multnomah, Polk, Wasco, Washington, and Yamhill counties in Oregon.

3. Section 1381.154 is amended by the deletion of the item "Ponton logs" from Table A and of "Aircraft Grade" from Table F, together with the corresponding prices in the tables.

4. Section 1381.154 is amended by the addition of a new Table K to read as follows:

TABLE K—PONDEROSA PINE

	Puget Sound District	Willapa Bay-Grays Harbor District	Columbia River District	Southern Oregon-Tillamook District
No. 1	$27.00	$27.00	$27.00	$25.00
No. 2	21.00	21.00	21.00	19.00
No. 3	19.00	19.00	19.00	17.00
Camp-run (ungraded)	19.00	19.00	19.00	17.00

5. Appendix A, section (a) *Grading rules,* is amended by the deletion of the grade descriptions headed "Douglas Fir Ponton Logs" and "Aircraft Grades—Noble Fir and Hemlock", and by the addition of the following sentence at the conclusion of the paragraph headed "Other Species". Ponderosa pine logs shall be scaled and graded on the basis of the above rules for hemlock logs.

This amendment shall become effective May 18, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6876; Filed, May 13, 1944; 11:46 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 122]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.8206a (a) is amended to read as follows:

(a) Every licensed distributor, who handles gasoline in such a manner as to be required by § 1394.8218 (a) to remit a ration check with his State tax report, shall, on and after January 27, 1943, open at least one account, in the manner provided by General Ration Order No. 3A. If a licensed distributor has more than one place of business he may open a separate account for each place of business or any group of places. In addition, a licensed distributor may open an account in connection with the operation of any accounting office maintained by him. An account for a facility of a licensed distributor may be opened and maintained either in the name of such licensed distributor or in the name of the consignee or other person who has charge of the operation and management of such place of business, provided the signature card of such account shows the name and address of the licensed distributor who furnishes gasoline to such place of business.

2. Section 1394.8206b (a) (5) is revoked.

This amendment shall become effective May 17, 1944.

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

Issued this 13th day of May 1944

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6870; Filed, May 13, 1944; 11:47 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5E,[1] Amdt. 5]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

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

Ration Order 5E is amended in the following respect:

Section 7.1 (b) is amended by changing the phrase "8 a. m." to read "6 a. m."

This amendment shall become effective as of May 10, 1944.

(Pub. Law 871, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., E.O. 9250, 7 F.R. 7871, W.P.B. Dir. 1, Supp. Dir. 1-J, 7 F.R. 562)

Issued this 13th day of May 1944.

JORGE L. CORDOVA,
Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44-6881; Filed, May 13, 1944; 11:49 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[2] Amdt. 5]

FUEL OIL

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

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5151 (a) (2) is amended by adding after the semicolon at the end of the subparagraph, the following: "ex-

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

[1] 8 F.R. 1117, 2992, 5678, 6619, 9381, 10660, 11509, 16602, 16603, 17327; 9 F.R. 694.

[1] 8 F.R. 15937.

[1] 8 F.R. 9975, 16033; 9 F.R. 397, 1321.

[2] 9 F.R. 2357, 3353, 4099, 4391.

cept as provided in §§ 1394.5318 (b) and 1394.5353 (a) (1);"

2. Section 1394.5318 (b) is added as follows:

(b) On or after May 15, 1944, a ration may be issued for fuel oil burning equipment designed to furnish domestic hot water even though there is available for this purpose central heating or cooking equipment, using an alternate fuel. In that event, the allowable ration determined in accordance with paragraph (a) of this section, shall be for a period ending not later than September 30, 1944.

3. Section 1394.5353 (a) (1) is added as follows:

(1) On or after May 15, 1944, a ration may be issued for fuel oil burning equipment designed for domestic cooking even though there is available a standby facility which can be used as a substitute for such equipment. In that event, the allowable ration for domestic cooking shall be the amount of fuel oil needed (within the maximum provided in paragraph (b) of this section) for a period ending not later than September 30, 1944.

This amendment shall become effective on May 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–O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6869; Filed, May 13, 1944; 11:47 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[1] Amdt. 17]

SUGAR

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

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.71 (a) is amended by deleting the second sentence and inserting in place thereof the following: "However, a consumer may not obtain, during the 1944 home canning season (March 1, 1944 to February 28, 1945), ration coupons for more than twenty pounds of sugar".

2. Section 1407.71 (b) is amended to read as follows:

(b) *When application may be made.* Each District Office shall fix two periods during which consumers who live within the district may apply for sugar to be used, during the 1944 home canning season, for the purposes covered by this section. The times when such periods shall begin and end for any district will be determined in the discretion of the District Office.

3. Section 1407.71 (c) is amended to read as follows:

(c) *Application and issuance during the first period.* (1) A consumer may apply, during the first period fixed by the District Office, in person or by mail, on OPA Form R–323, for the sugar he needs for the purposes covered by this section, but not for more than ten pounds. Application shall be made to the Board for the place where the applicant lives. One application may be made covering more than one consumer, if they all live at the same address, but the name of each shall be listed on the application. (The consumer signing the application must, however, be authorized to apply for each person he lists.) The applicant shall give the information required by OPA Form R–323 and shall attach to his application Spare Stamp No. 37 from the War Ration Book Four of each consumer on whose behalf the application is made. (Since each "ration coupon" authorizes the delivery of five pounds of sugar, application for each consumer must be made for either 5 or 10 pounds of sugar.) If the Board finds that the facts stated in the application are true and that a Spare Stamp No. 37 for each person for whom application is made is attached thereto, it shall grant the application in the amount needed for the purpose specified in paragraph (a), but not to exceed ten pounds per person. It shall issue "ration coupons" for the amount of sugar granted.

4. Sections 1407.71 (d) and 1407.71 (e) are redesignated §§ 1407.71 (e) and 1407.71 (f), respectively, and a new § 1407.71 (d) is added to read as follows:

§ 1407.71 (d) *Application and issuance during the second period.* (1) A consumer who has not obtained, during the 1944 home canning season, ration coupons (or other evidences) under this section and who needs sugar for the purposes covered by this section, may apply for such sugar to the Board, during the second period fixed by the District Office, on OPA Form R–323. The application shall be made in the same way as one made under paragraph (c) and the Board shall grant the application under the same conditions as set forth in that paragraph, except that the consumer may apply for and the Board may issue ration coupons in an amount not to exceed twenty pounds per person.

(2) A consumer who, during the 1944 home canning season, has obtained from the Board ration coupons (or other evidences) under this section for less than twenty pounds of sugar, and who needs sugar for the purposes covered by this section, may apply, during the second period fixed by the District Office, on OPA Form R–323, at the same Board and obtain ration coupons for the additional amount of sugar he needs, up to the twenty pound maximum permitted by paragraph (a). The consumer's Spare Stamp No. 37 need not be attached to such application, but the consumer shall state on the back of the application whether he has used the coupons (or other evidences) issued him under this section in accordance with the provisions of this section, and if not, whether he still has such coupons (or other evidences) or the sugar obtained therewith. If the Board finds that the facts stated in the application are true, and that the consumer has used sugar obtained under this section in accordance with its provisions or still has the ration coupons (or other evidences) or the sugar obtained therewith, it shall grant the application and issue ration coupons, for the amount of sugar needed, subject to the twenty pound maximum provided in paragraph (a).

This amendment shall become effective May 13, 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; War Food Order No. 56, 8 F.R. 2005; War Food Order No. 64, 8 F.R. 7093)

Issued this 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–6885; Filed, May 13, 1944; 11:52 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 10,[1] Amdt. 19]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

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

Ration Order 10 is amended in the following respects:

1. The table in § 1407.687 is amended to read as follows:

---

* Copies may be obtained from the Office Price Administration.

[1] 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 3944, 4099.

[1] 7 F.R. 6887, 8523, 8607, 10707; 8 F.R. 1394, 3315, 3843, 4190, 4892, 5268, 7017; 9 F.R. 2233, 2478, 2656, 2746, 3652.

Ration period	Stamp valid during ration period (Book 1)	Weight value of stamp (pounds of cornmeal)
#15 April 24 to April 30	15	1
#16 May 1 to May 6	16	1
#17 May 8 to May 14	17	1
#18 May 15 to May 21	18	1
#19 May 22 to May 28	19	1
#20 May 29 to June 4	20	1
#21 June 5 to June 11	21	1
#22 June 12 to June 18	22	1
#23 June 19 to June 25	23	1
#24 June 26 to July 2	24	1
#25 July 3 to July 9	25	1
#26 July 10 to July 16	26	1
#27 July 17 to July 23	27	1
#28 July 24 to July 30	28	1

2. Section 1407.704 (a) is amended by changing the phrase "eight (8)" to read "four (4)".

This amendment shall become effective as of April 24, 1944.

(Pub. Law 671. 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9250, 7 F.R. 7671; W.P.B. Dir. No. 1, E.O. 9280, 7 F.R. 10179; F.D. No. 3, 8 F.R. 2005; F.D. No. 9, 8 F.R. 9600)

Issued this 13th day of May 1944.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44-6882; Filed, May 13, 1944; 11:51 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 36]

SHOES IN PUERTO RICO

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

Section 67 is added to read as follows:

SEC. 67. *Maximum prices for imported shoes sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in this section 67, the term:

(1) "Shoes" means all types of covering for the human feet except hosiery.

(2) "Job lot" means a single purchase of a group of shoes all of which in trade terms are "seconds," "imperfects," "close outs," "sub-standards," "discontinued models" or "samples."

(3) "Shoe reference book" means a book containing the seller's descriptive entries of the shoes which he is offering for sale and the maximum prices authorized for them by this section.

(4) "Reference stock number" means the numbers employed by the manufacturer or supplier and the seller to identify a pair of shoes.

(5) A "price line of shoes" means a group of styles of footwear offered by a seller at the same price for each style in the group.

(6) "Group A" refers to all women's, misses' and growing girls' shoes which cost $3.00 or less per pair f. o. b. port of shipment and all shoes other than women's, misses' and growing girls' which cost $4.00 or less per pair f. o. b. port of shipment.

(7) "Group B" refers to all women's, misses' and growing girls' shoes which cost more than $3.00 per pair f. o. b. port of shipment and all shoes other than women's, misses' and growing girls' which cost more than $4.00 per pair f. o. b. port of shipment.

(b) *Maximum prices for imported shoes.* Except as otherwise specified in paragraph (c) a seller's maximum prices for imported shoes sold or delivered in the Territory of Puerto Rico shall be:

(1) For shoes which have been imported by the seller and which were not received as a part of a job lot, the cost per pair f. o. b. port of shipment multiplied by:

Group	Sales at wholesale	Sales at retail
A	1.25	1.60
B	1.28	1.67

(2) For shoes which have not been imported by the seller and which were not received by him as a part of a job lot, the price paid to the importer multiplied by:

Group:	*Sales at retail*
A	1.28
B	1.30

(3) For a job lot of shoes sold intact, the cost of the job lot, f. o. b. point of shipment, multiplied by 1.25. This markup may be taken only once, regardless of the number of sellers.

(4) For each pair of shoes received in a job lot, the price fixed by the seller: *Provided,* That the total of the prices charged for each pair of shoes within the job lot in which the shoes were received, shall not exceed the cost of the lot f. o. b. port of shipment multiplied by 1.25 at wholesale and 1.60 at retail on sales by importers, and the price paid to the importer multiplied by 1.28 on sales at retail by a merchant other than the importer.

(5) For shoes purchased in a job lot, part of which job lot has been sold prior to the effective date of this regulation, the price established and filed with the War Price and Rationing Boards in accordance with the requirements of the General Maximum Price Regulation.[2] The seller's maximum price for shoes from a broken job lot which cannot be established by reference to such a price list shall be a maximum price, in line with the level of maximum prices established by this regulation, as determined by the Director of the Office of Price Administration at San Juan, Puerto Rico, on application of the seller.

(c) *Duty.* On all shoes on which duty is payable, the seller may add to the price of each pair of shoes the charge for duty which he has paid on them. The duty shall not be included in the cost price either by the importer or by the retailer for purposes of computing the markup to which the seller is entitled. Sales of imported shoes at wholesale on which duty has been paid shall be so invoiced as to state the amount of duty separately from the price charged for the shoes.

(d) *Trade practices.* The markups authorized herein are gross markups which shall not be exceeded regardless of any additional, unexpected, or unusual costs which the seller may have incurred or of the number of sellers handling the shoes. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower net price.

(e) *Prohibited practices.* It shall be unlawful for any seller to improperly classify a pair of shoes for the purpose of evading the pricing provision applicable to the sale of such shoes. It shall likewise be unlawful for any seller to revise the price entered in his shoe reference book for any pair of shoes except as otherwise provided in paragraph (h) (2).

(f) *Notification to OPA on sales of job lots.* Within five days of his first sale of a pair of shoes from a job lot the seller shall file a statement with the Territorial Office of the Office of Price Administration, San Juan, Puerto Rico, a copy with his local War Price and Rationing Board and retain a copy for his own files, which statement shall show:

(1) The name and address of the person from whom the lot was purchased;

(2) A description of the job lot;

(3) The number of pairs of shoes included within each price line;

(4) The reference stock number assigned as provided in paragraph (a);

(5) The f. o. b. port of shipment cost of the job lot to the seller, if imported by the seller, or the price paid to the importer for the job lot if not imported by the seller;

(6) The amount of duty, if any, paid by the importer;

(7) The selling price of each pair of shoes as determined in accordance with the pricing provision of paragraph (b) of this section; and

(8) Over-all markup taken by the seller on the job lot.

(g) *Identification of shoes.* Every seller shall assign a separate reference stock number to each price line of shoes and shall clearly mark on each pair of shoes the stock number by use of a label, tag, slip, sticker, mark, or other similar appropriate marking.

(h) *Shoe reference book.* (1) Every person selling shoes shall prepare a shoe reference book which he shall keep and make available for examination by the Office of Price Administration or by any person duly authorized by the Territorial Director of the Office of Price Administration, in which shall be entered prior to the time shoes are sold or offered for sale, the following information for each price classification of shoes in the seller's stock:

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

[1] 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12532, 13165, 13847, 14090, 14765, 15195.

[2] 8 F.R. 5307, 6362, 14765, 15585.

(i) The reference stock numbers;
(ii) A description of the units included;
(iii) The name and address of the supplier;
(iv) The date received;
(v) The cost to the seller or the price paid to the importer, whichever price is material in accordance with the pricing provision utilized, the duty if any paid by the importer;
(vi) The multiplier used in computing the maximum price; and
(vii) The selling price at wholesale or at retail depending upon the level at which the shoes are offered for sale.

(2) The maximum price charged by each seller and entered in his shoe reference book shall in no instance be altered except that should the seller have erroneously computed the price for an item entered in such book, the seller's Local War Price and Rationing Board may, after having received a written statement of the fact from the seller, if satisfied that the entry was the result of a miscalculation, authorize such seller to change the entry to correspond with the maximum price which he is authorized to charge in accordance with this regulation.

(3) All entries in the shoe reference book shall be made in numerical sequence. Shoes received by the seller which are identical to others earlier entered into the reference book shall be re-entered under a new reference stock number.

(i) *Notification to customers.* Every person selling shoes, except at retail, shall with each delivery supply the purchaser with a statement, which may be included in and made a part of the seller's invoice, specifying with respect to each price classification delivered:
(1) The seller's reference stock number;
(2) A notation of the pricing provision employed;
(3) The number and description of units sold;
(4) The price charged; and
(5) The duty paid, if any.

The provisions of this paragraph (i) supersede section 11 (b) (1) of Revised Maximum Price Regulation 183 with respect to sales of shoes.

This amendment shall become effective June 1, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6871; Filed, May 13, 1944; 11:47 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[1] Amdt. 24]

MILK IN ALASKA

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 288 is amended in the following respects:

1. The text of § 1418.363 (g) Table VII is amended to read as follows:

(g) Table VII: *Maximum prices for milk sold in certain communities in the Territory of Alaska*—(1) *Definitions.* When used in this table, the term:

(i) "Milk" means cow's milk sold raw or pasteurized in fluid form as whole milk.

(ii) "Wholesale" refers to the sale by any person of milk in bottles or other containers to any person other than the ultimate consumer, and includes sales to stores, restaurants, institutions, and the Army or Navy.

(iii) "Restaurant" means any establishment operating as a restaurant, hotel, cafe, bar, soda fountain, or other eating or drinking place.

(2) *Maximum prices in Juneau and Douglas.*

[In cents]

	Quart	Pint	Half-Pint
Wholesale	18½	9¾	6
Retail out-of-store	22	12	------
Retail home-delivered	23	13	------
Restaurant when consumed on premises	------	------	10

2. Subparagraph (3) is added to § 1418.363 (g) Table VII to read as follows:

(3) *Maximum prices in Ketchikan:*

[In cents]

	Quart	Pint	Half-Pint
Wholesale	19	10	6
Retail out-of-store	23	12	------
Retail home-delivered	24	13	------
Restaurant when consumed on premises	------	------	10

(NOTE: A seller may charge a deposit for bottles of any size not to exceed ten cents per bottle, the deposit to be refunded in full upon the return of the undamaged bottle.)

This amendment shall become effective May 18, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6883; Filed, May 13, 1944; 11:51 a. m.]

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

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184, 12549, 13166, 13305, 16514, 16626, 16627, 16865, 16986, 16793; 9 F.R. 301, 849, 1715.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 57]

IMPORTED FROZEN FISH IN HAWAII

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 20a is added to read as follows:

SECTION 20a. *Wholesalers' and retailers' maximum prices for sales of imported frozen fish on the Island of Oahu*—(a) *Scope of this section.* This section fixes the maximum prices at which wholesalers and retailers may sell imported frozen fish on the Island of Oahu. Paragraph (c), below, lists the various species of salt water fish, shell fish and mollusks for which specific dollars and cents maximum prices are established by this section together with the maximum prices. It also sets forth the procedure for establishing the maximum prices for sales at wholesale and retail of all other varieties of imported frozen fish covered by this section. Maximum wholesale and retail prices for frozen shrimp and prawn, however, continue to be fixed under section 55 of this regulation.

(b) *Definitions.* As used in this section 20a, the term:
(1) "Cleaned" refers to fish from which the viscera or entrails have been removed.
(2) "Dressed" refers to fish from which the viscera and head have been removed.
(3) "Fillet" means the heavy-meated section or strip of fish cut from along the backbone and outside the rib-bone, extending from the nape and gills to the tail.
(4) "Frozen fish" means fish that are naturally or artificially frozen.
(5) "Frozen Seafood" means shellfish and mollusks that are naturally or artificially frozen.
(6) "Landed costs" shall include only actual invoice costs plus freight, mainland storage charges, wharf fees, cartage and insurance, and shall include credit for any rebates or commissions.
(7) "Round fish" means fish as it comes from the water.
(8) "Steak" means a cross section cut from a dressed fish.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

(c) *Maximum prices—Island of Oahu only.*

Name and description	Style of processing	Size	Maximum prices for sales at wholesale per net lb.	Maximum prices for sales at retail per net lb.
Albacore (Pacific Coast)	Round or Cleaned	All sizes	$0.375	$0.50
Albacore (Pacific Coast)	Steaks			.65
Halibut (Chicken & Medium)	Dressed	Under 40 pounds	.37	.50
Halibut (Chicken & Medium)	Steaks			.60
Mackerel (Pacific Coast)	Round	All sizes	.21	.28
Mackerel (Pacific Coast)	Fillets	All sizes	.44	.58
Mullet	Round	1 pound & up	.27	.36
Mullet	Fillets	All sizes	.50	.67
Perch (Atlantic Coast)	Round	All sizes	.30	.40
Perch (Pacific Coast)	Fillets	All sizes	.50	.67
Squid (Pacific Coast)	Any	All sizes	.22	.30
Salmon (Pacific Silver)	Dressed	All sizes	.375	.50
Salmon (Pacific Silver)	Steaks	All sizes		.60
Salmon (Pacific Fall)	Dressed	All sizes	.325	.45
Salmon (Pacific Fall)	Steaks	All sizes		.55
King Fish	Round	All sizes	.21	.28
Butter Fish	Round	All sizes	.30	.40
Herring (Sea)	Round	All sizes	.19	.25
Black Cod	Dressed	All sizes	.35	.45
Black Cod	Fillets			.60
Salted Fish			[1].05	[2].17

[1] Per pound over landed cost.
[2] "Net cost" is the amount paid your supplier after deducting all discounts and allowances.

NOTE: All cuts other than steaks or fillets may be sold at prices not to exceed the maximum price per pound of the round, cleaned or dressed fish from which such cuts are derived.

(d) In the case of a sale at wholesale or at retail of any imported frozen fish item not listed in paragraph (c) (except frozen shrimp and prawn, for which maximum prices are established under section 55 of this regulation) the maximum price shall be the price authorized by the Territorial Director of the Office of Price Administration, upon the written application of the seller to the Office of Price Administration, Iolani Palace, Honolulu 2, T. H. Such authorization will be given in the form of an order prescribing a specific maximum price or a method of determining the maximum price for the applicant, or, in case the applicant is a wholesaler, for sellers of the commodity generally, including purchasers for resale, or for a class of such sellers. The application should contain:

(1) The name of the imported frozen fish item for which a maximum price is sought.

(2) A statement of the maximum price permitted the mainland primary wholesaler under Maximum Price Regulation 364, and

(3) A separate statement of the charges actually incurred by the seller in computing his landed cost.

(e) *Retailers' maximum prices for sales to eating places.* The maximum prices for sales to hotels, restaurants, institutions and other eating places are the maximum prices for sales at wholesale fixed under paragraph (c) of this section. Nevertheless, if you are a retailer, you may, during any month, use the maximum prices for sales at retail fixed under such paragraph in selling to eating places if 80% or more of your total dollar sales of the imported frozen fish items covered by this section during the previous calendar month were retail sales to consumers; that is, persons who buy these items to be eaten by themselves or their families off your premises.

(f) *Posting requirements for retailers.* Notwithstanding the provisions of section 10 (b) of this regulation, if you are a retailer, you must, not later than April 20, 1944, post at your store your "Official OPA List of Retail Maximum Prices for Imported Frozen Fish." It must be put on or at the counter of the fish department of your store at one or more places where your customers may easily examine and read it. You must get your official copies of your price list for posting or copying from your War Price and Rationing Board or from your district Office of Price Administration office. If you display any imported frozen fish item covered by this section, you must post on or near it your selling price for that item.

This amendment shall become effective as of 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6884; Filed, May 13, 1944; 11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amdt. 61]

MAXIMUM PRICES FOR COMMODITIES AND SERVICES WHICH CANNOT BE PRICED UNDER § 1499.2

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.*

The General Maximum Price Regulation is amended in the following respects:

1. Section 1499.3 is amended to read as follows:

§ 1499.3 *Maximum prices for commodities and services which cannot be priced under § 1499.2.* A seller's maximum price for a commodity or service which cannot be priced under § 1499.2 and for which a maximum price or pricing method has not been otherwise established by the Office of Price Administration shall be a maximum price in line with the level of maximum prices established by this regulation and shall be determined in the following manner:

(a) In the case of a sale at wholesale or retail of a commodity the seller shall (1) find the most comparable commodity for which he then has a maximum price under § 1499.2 (a); (2) divide this price by the net unit replacement cost of such commodity; and (3) multiply the percentage so obtained by his net unit cost (which may not exceed his supplier's maximum price) for the commodity being priced. The resulting figure shall be his maximum price for the commodity. All customary allowances, discounts, or other price differentials and all practices relating to the payment of transportation charges in effect with respect to the most comparable commodity shall apply to the commodity being priced.

The "most comparable commodity" under this paragraph (a) must meet all of the following tests:

(1) It must be currently offered for sale by the seller.

(2) It must belong to the narrowest trade category which includes the commodity being priced.[2]

(3) Both it and the commodity being priced must have been purchased from the same class of supplier.

(4) Both it and the commodity being priced must belong to a class of commodities to which, according to the seller's practice in March, 1942, an approximately uniform percentage markup would have been applied.

If more than one commodity meets all the above tests, the one whose net unit replacement cost is nearest to the net unit cost of the commodity being priced shall be the "most comparable commodity."

"Net unit replacement cost," as used above, means the net price which the seller would have to pay per unit, at the time he applies this pricing method, to purchase the comparable commodity in the regular course of business from a supplier who belongs to the same class as the supplier of the commodity being priced. A commodity not currently replaceable has no "net unit replacement cost" and may not be used as the "most comparable commodity".

---

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

[1] 9 F.R. 1385.

[2] *Example:* If you are pricing a man's soft fur felt hat the narrowest trade category would be men's soft fur felt hats, but if you have none from which you can select the comparable commodity, you then go to the next narrowest trade category, men's soft felt hats; if you have none of these from which to choose, the next narrowest trade category would be men's felt hats; finally, if you have no men's felt hats, the narrowest trade category available would be men's hats in general.

The maximum price determined for the commodity being priced under this paragraph (a) shall, before the commodity is offered for sale, be reported by the seller to the District Office of the Office of Price Administration for each District in which he operates as a separate seller, unless he has been otherwise directed by a uniform pricing order. The report shall be made upon a form copied from Appendix A of this regulation.[3] A maximum price so reported may not be changed by the seller even though the cost of the commodity increases.

(b) In the case of a sale other than at wholesale or retail of a commodity:

(1) The seller shall (i) find the most comparable commodity for which he then has a maximum price under § 1499.2 (a) (1); (ii) divide this price by the current unit direct cost of such commodity; and (iii) multiply the percentage so obtained by his current unit direct cost for the commodity being priced. The resulting figure shall be his maximum price for the commodity. All customary allowances, discounts, or other price differentials and all practices relating to the payment of transportation charges in effect with respect to the most comparable commodity shall apply to the commodity being priced.

The "most comparable commodity" under this paragraph (b) (1) must meet all of the following tests:

(1) It must belong to the narrowest trade category which also includes the commodity being priced.[4]

(2) It must have a current unit direct cost varying from that of the commodity being priced by not more than 25% of the latter cost.

(3) It must be currently produced by the seller or, if he is not currently producing a comparable commodity, it must have been produced by him within the twelve months preceding his use of this pricing method.

If more than one commodity meets all the above tests, the one whose current unit direct cost is nearest to the current unit direct cost of the commodity being priced shall be the "most comparable commodity".

"Current unit direct cost," as used above, means the sum of the amounts (not higher than permitted by law) which it costs the seller, or if he is not currently producing it, would cost him, for direct labor and materials to produce the commodity at the time he uses this pricing method.

The maximum price determined for the commodity under this paragraph (b) (1) shall, before such commodity is offered for sale, be reported by the seller to the District Office of the Office of Price Administration for the District in which his main office is located. The report shall be made in duplicate upon a form copied from Appendix C of this regulation.[5] A maximum price so determined and reported may not be redetermined by the seller even though his costs increase.

(2) If the seller is unable to determine a maximum price for a commodity under paragraph (b) (1), he shall file an application with the Office of Price Administration, Washington, D. C., for approval of a proposed maximum price for the commodity. This application shall contain all facts regarding the commodity to be priced which are required by the form set forth in Appendix C (that form may be used if desired) and shall also contain a full explanation of the reasons why he cannot price the commodity under § 1499.2 or under paragraph (b) (1) of this section, the method used in figuring the proposed maximum price, and the reasons he believes the proposed price is in line with the level of maximum prices otherwise established by this regulation. He must also furnish any additional information which the Office of Price Administration may require.

A commodity for which a maximum price is proposed under this paragraph (b) (2) may not be sold (except as provided in § 1499.20 (r)) until that price has been approved by the Office of Price Administration, but the proposed price shall be deemed to be approved twenty days after mailing the application (or all additional information which may have been requested) unless, within that time, the Office of Price Administration notifies the seller that his proposed price has been disapproved.

(c) If a seller at wholesale or retail is unable to determine a maximum price for a commodity under paragraph (a) of this section, he shall file an application with the District Office of the Office of Price Administration for each District in which he operates as a separate seller (unless otherwise directed by a uniform pricing order) for approval of a proposed maximum price for the commodity. This application shall contain all facts regarding the commodity to be priced which are required by the form set forth in Appendix A (that form may be used if desired) and shall also contain a full explanation of the reasons why he cannot price the commodity under § 1499.2 or under paragraph (a) of this section, the method used in figuring the proposed maximum price, and the reasons he believes the proposed price is in line with the level of maximum prices otherwise established by this regulation. He must also furnish any additional information which the Office of Price Administration may require.

A commodity for which a maximum price is proposed under this paragraph (c) may not be sold (except as provided in § 1499.20 (r)) until that price has been approved by the Office of Price Administration, but the proposed price shall be deemed to be approved 20 days after mailing the application (or all additional information which may have been requested) unless, within that time, the Office of Price Administration notifies the seller that his proposed price has been disapproved.

(d) In the case of a sale of a commodity the price for which includes the supply of a service of substantial value and which cannot be priced under paragraphs (a) or (b) (1) of this section, or in the case of a sale of a service, the maximum price shall be a price determined by the seller in accordance with Maximum Price Regulation No. 165, as amended or revised.

(e) (1) The Price Administrator, or any Regional Administrator or any State or District Director so authorized by his Regional Administrator, may at any time approve, disapprove or revise maximum prices reported, proposed or established under paragraphs (a), (b) (1), or (c) of this section so as to bring them into line with the level of maximum prices otherwise established by this regulation.

(2) Any Regional Administrator may issue orders establishing maximum prices or pricing methods for sale or resale by any seller within the region whose maximum price would otherwise be established under paragraphs (a) or (c) of this section.

(3) The Price Administrator may at any time approve, disapprove, or revise maximum prices proposed or established under paragraph (b) (2) of this section so as to bring them into line with the level of maximum prices otherwise established by this regulation and may, either in connection therewith or otherwise, issue orders establishing maximum prices or pricing methods for sale or resale of any commodity subject to this regulation.

(f) Orders heretofore issued under this section shall remain in full force and effect unless specifically modified or revoked.

2. Section 1499.20 (n) is revoked.

3. Appendix A to § 1499.24 is amended to read as follows:

[3] Copies of this form may be obtained from any office of the Office of Price Administration.

[4] See example in note 2 above.

[5] Copies of this form may be obtained from any office of the Office of Price Administration.

§ 1499.24 *Appendix A: Form for reporting maximum price under § 1499.3 (a).*

OPA Form 620-759 (3-44) This form may be reproduced without change UNITED STATES OF AMERICA OFFICE OF PRICE ADMINISTRATION REPORT OF WHOLESALER'S OR RETAILER'S MAXIMUM PRICE COMPUTED UNDER SECTION 1499.3 (A) OF THE GENERAL MAXIMUM PRICE REGULATION	Name of Seller Reporting Address—Number and Street City and Postal Zone Number State Date of Report

INSTRUCTIONS

This form is to be used for reporting a maximum price for sale at wholesale or retail determined under § 1499.3 (a) of the General Maximum Price Regulation. You may price under that section only those commodities which you cannot price under § 1499.2, i.e., which are neither the same as nor similar to commodities sold or offered for sale by you or your competitor during March, 1942 Commodities for which maximum prices at wholesale or retail are established by specific price regulations or by orders issued by the Office of Price Administration or for which maximum prices have heretofore been determined under this or any other maximum price regulation or order may not be priced under § 1499. 3 (a).

You must file this form with the District Office of the Office of Price Administration for each district in which you operate as a separate seller before the commodity may be offered for sale therein.

All data specified in the form must be furnished. The following specific instructions, keyed to the numbers of items in the form, explain the information desired:

1. The new commodity for which a maximum price is reported should be described with sufficient fullness to enable any representative of OPA to identify it. The description should include such matters as model, manufacturer's list name or number, use, trade category (e.g., food, hardware, men's clothing, etc.), principal materials of which constructed, unit in which priced, size, weight, packaging, brand or manufacturer's name and any other pertinent information. An illustration should be furnished where possible.

4. Indicate how the commodity for which a maximum price is reported differs from other commodities sold by you or by competitive sellers of the same class during March, 1942. If you or any competitive seller sold similar, though not identical, items during March, 1942, the maximum price may not be established under § 1499.3 (a) but must be determined under § 1499.2 of the General Maximum Price Regulation.

5. The most comparable commodity must be described with the same fullness as specified above for item 1. It must be one for which you already have a maximum price established under § 1499.2 (a) on the basis of your own sale or offer of the same or similar commodity for delivery in March, 1942, and must meet all of the following tests:

(a) It must be currently offered for sale by you.

(b) It must belong to the narrowest trade category which also includes the commodity being priced. Example: If you are pricing a man's soft fur felt hat the narrowest trade category would be men's soft fur felt hats, but if you have none from which you can select the comparable commodity, you then go to the next narrowest trade category, men's soft felt hats; if you have none of these from which to choose, the next narrowest trade category would be men's felt hats; finally, if you have no men's felt hats, the narrowest trade category available would be men's hats in general.

(c) You must have purchased both commodities from the same class of supplier.

(d) Both commodities must belong to a category to which an approximately uniform percentage mark-up would have been applied according to your practice in March, 1942.

(e) If more than one commodity meets all of the above tests, you must use the one with the nearest net unit replacement cost to that of the one you are pricing.

8. Section 1499.3 (a) defines "net unit replacement cost" as meaning "the net price which the seller would have to pay per unit, at the time he applies this pricing method, to purchase the comparable commodity in the regular course of business from a supplier who belongs to the same class as the supplier of the commodity being priced. A commodity not currently replaceable has no 'net unit replacement cost, and may not be used as the 'most comparable commodity'."

11. The net unit cost is your actual cost per unit after deducting all discounts which you received and adding transportation and delivery charges which you paid. This cost of course may not exceed your supplier's ceiling price.

12. The price reported at this point is the maximum price you may charge for the new commodity which is the subject of this report. You must allow the same discounts and differentials for different quantities or for sales to different classes of purchasers which you allow with respect to the most comparable commodity.

14. The terms "sale at retail" and "sale at wholesale" are defined in the General Maximum Price Regulation, § 1499.20 (o) and (p).

1	Name and description of new commodity for which a maximum price is reported.	6	Name of Manufacturer of most comparable commodity Address	
2	Name of Manufacturer of above commodity Address	7	Name of Supplier of most comparable commodity Address	
3	Name of Supplier of above commodity Address	8	Net unit replacement cost of most comparable commodity (see instruction 8)	$
		9	Reporting seller's maximum price per unit for most comparable commodity	$
4	Reasons why maximum price could not be determined on the basis of same or similar commodity handled by the reporting seller or by a competitive seller during March, 1942.	10	Maximum price of most comparable commodity expressed as percentage of cost (item 9÷item 8)	%
		11	Net unit cost of new commodity for which maximum price is reported	$
		12	Maximum price reported per unit for new commodity (item 11 x item 10)	$
5	Name and description of the most comparable commodity selected in accordance with Instruction 5.	13	Unit of pricing above commodities (each, dozen, pound, gallon, etc.)	
		14	Maximum price reported is for sale at ☐ Retail ☐ Wholesale	

I hereby certify that the statements and figures contained in this report are to the best of my knowledge and belief correct

(Name of Company)

Sign here

(Name of Seller or Authorized Agent)

(Official Position)

A False Certification is a Criminal Offense

4. Appendix C is designated § 1499.25 (a) and is amended to read as follows:

§ 1499.25 (a) *Appendix C: Form for reporting maximum price under § 1499.3 (b) (1).*

OPA Form 620-760 (3-44) This form may be reproduced without change UNITED STATES OF AMERICA—OFFICE OF PRICE ADMINISTRATION REPORT OF MANUFACTURER'S MAXIMUM PRICE COMPUTED UNDER SECTION 1499.3 (b) (1) OF THE GENERAL MAXIMUM PRICE REGULATION Read instructions on other side before filling in this form	Name of Manufacturer Reporting Address of Main Office: Number and Street City and Postal Zone Number State / Date of Report

NEW COMMODITY BEING PRICED

1	Name of commodity being priced					
2	Description of commodity being priced (send sample, illustration or photograph)					
3	Unit of production used in the calculations					
4	Major Materials and Parts Used in the Product:					
	Name of Material (List)	Quality, Grade and Specifications	Unit (Gallon, Dozen, Etc.)	Current Cost Per Unit	Quantity Used Per Unit of Product	Current Cost per Unit of Product
	A			$		$
	B					
	C					
	D					
	E					
	F					
	G All Materials except those listed above					
5	Total unit direct material cost					
6	Total unit direct labor cost					
7	Total unit direct cost (item 5+item 6)					

MOST COMPARABLE COMMODITY HAVING A MAXIMUM PRICE ESTABLISHED UNDER § 1499.2 (a) (1) OF THE GENERAL MAXIMUM PRICE REGULATION

8	Name of most comparable commodity
9	Catalog number of most comparable commodity
10	Description of most comparable commodity (Send sample, illustration or photograph)
11	If most comparable commodity is not being currently produced, state when and why production was discontinued.
12	Give reasons for development of the new commodity, whether because of material shortages or limitations, import restrictions, or any other reason
13	In what way does the manufacturing process for the new commodity differ from that used for the most comparable commodity?

14	Major Materials and Parts used in the Most Comparable Commodity:					
	Name of Materials (List)	Quality, Grade and Specifications	Unit (Gallon, Dozen, Etc.)	Current Cost Per Unit	Quantity Used Per Unit of Product	Current Cost Per Unit of Product
	A			$		$
	B					
	C					
	D					
	E					
	F					
	G All materials except those listed above					
15	Total unit direct material cost of most comparable commodity					$
16	Total current unit direct labor cost of most comparable commodity					$
17	Total current unit direct cost (item 15+item 16)					$
18	Maximum selling price of comparable commodity to Class of Customer					$
19	Maximum Price of most comparable commodity expressed as percentage of cost (item 18÷item 17)					%
20	Maximum Price of the new commodity (item 7×item 19)					$
21	Estimated production of the new commodity per month (number of units)					
22	Last three months' production of comparable commodity (number of units)					
23	Approximate percentage of last three months' dollar volume represented by comparable commodity					%

I Hereby certify that the statements and figures contained in this report are to the best of my knowledge and belief correct

_____
(Name of Company)

SIGN HERE_____
(Name of Manufacturer or Authorized Agent)

_____
(Official Position)

A false certification is a criminal offense

INSTRUCTIONS

This form is to be used by manufacturers for reporting maximum prices computed under § 1499.3 (b) (1) of the General Maximum Price Regulation. You may price under that section only those commodities which you cannot price under § 1499.2, i. e., which are neither the same as nor similar to commodities delivered or offered for delivery by you or your competitor during March, 1942. Commodities for which manufacturers' maximum prices are established by specific price regulations or by any orders issued by the Office of Price Administration or for which maximum prices have heretofore been determined under this or any other price regulation or order may not be priced under § 1499.3 (b).

You must file this form in duplicate with the District Office of the Office of Price Administration for the district in which your main office is located.

All data specified in the form must be furnished. The following specific instructions, keyed to the numbers of items in the form, explain the information desired:

1. State physical name of the commodity (men's shoes, smoking tobacco, etc,) and model or catalog designation.

4. List the information required for all raw materials which combined make up a minimum of 90 per cent of the total material cost of the new commodity. If semi-finished or finished parts purchased from other firms are used, the numbers of parts included in each unit of the commodity, the price paid per part, and the names of the suppliers are to be attached to the report. All material costs are to be your actual costs not exceeding your supplier's maximum prices. List cost per unit for the remainder of the material in (g). If additional space is necessary, attach a supplementary sheet to the report.

6. State the total wage bill paid per unit of product for manual labor expended directly in the production of the commodity. This total must not include inspection, instruction, supervision, or other indirect labor, or factory burden. If necessary for a clear understanding, a breakdown of this item should be attached to the report. In computing unit direct labor cost, use the current wage rates for each class of labor. Wage rates may not be higher than those of October 3, 1942, unless approved by the War Labor Board.

8. Find the most comparable commodity for which you already have a maximum price established under § 1499.2 (a) (1) by your own sale or offer of this particular commodity for delivery in March, 1942. It must meet all of the following tests:

(a) It must belong to the narrowest trade category which also includes the commodity being priced.

(b) Its current unit direct cost may not vary from that of the commodity you are pricing by more than 25% of the latter cost.

(c) If you are currently producing a commodity which meets all the above tests, you must use it; otherwise you may use one which you produced within the last twelve months.

(d) If more than one commodity meets all of the above tests, you must use the one with the nearest current unit direct cost to that of the one you are pricing.

9. Give your catalog or list number and model name or number.

10. If a catalog is not now on file with OPA containing a full description of the commodity, such a catalog or description of the commodity must accompany the report. A sample should be submitted where practicable; otherwise an illustration or photograph.

14. Cost shown for materials used in the most comparable commodity must be current costs—that is, the amounts which it would cost you to buy them at the time you apply this pricing method—and may not exceed your suppliers' maximum prices. Instruction 4, above, should be followed in other respects.

16. Follow instruction 6, above. Labor costs must be figured at current wage rates.

18. The maximum price shown here must be that established for sales to that class of customer to which you sold the largest volume of the most comparable commodity.

20. The price here reported is the maximum price you may charge the class of customer named in answering item 18. Maximum prices to other classes of customers must be determined by applying the same discounts and differentials as applied in determining maximum prices for the most comparable commodity to such classes.

This amendment shall become effective June 1, 1944.

NOTE: The 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.

(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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6875; Filed, May 13, 1944; 11:46 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[1] Amdt. 38]

OIL BURNER SERVICES

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 1499.101 (c) (41) is amended to read as follows:

(41) Oil burners burning number 5 oil and lighter-maintenance, rental or repair of.

This Amendment No. 38 shall become effective May 18, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6880; Filed, May 13, 1944; 11:49 a. m.]

PART 1389—APPAREL

[MPR 221,[2] Amdt. 5]

MANUFACTURERS' PRICES FOR FALL AND WINTER KNITTED UNDERWEAR

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 221 is amended in the following respects:

Paragraph (e) of § 1389.302 is revoked and in place thereof a new paragraph (e) is added to read as follows:

(e) *Adjustments for certain manufacturers of specified garments.* Any manufacturer may apply to the Office of Price Administration, Washington 25, D. C., for an adjustment of his maximum price for any article of men's and boys' knitted underwear listed in paragraphs (a), (b), (c) and (d) of § 1389.314. Such application will be granted if it is found by the Office of Price Administration that:

(1) The maximum price of the garment is less than the manufacturer's total unit cost thereof,

(2) The manufacturer's cost for the underwear is not substantially out of line with generally prevailing costs of competitive manufacturers of comparable garments, and

(3) The entire operations of the manufacturer are being conducted at a loss or will be conducted at a loss within 90 days.

Any adjustment made will establish as the maximum price for the garment a price not in excess of the manufacturer's total unit costs thereof.

This amendment shall become effective May 13, 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 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6874; Filed, May 13, 1944; 11:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—GENERAL RULES AND REGULATIONS

FREQUENCY ALLOCATIONS; AMENDMENT OF APPENDIX

The Commission on May 9, 1944, effective June 23, 1944, amended Appendix B (7 F.R. 11087) as follows:

APPENDIX B—FREQUENCY ALLOCATIONS

Frequency (kilocycles):	*Allocation*
* * * * *	
1,628	
1,630	Municipal fire.
1,632	
* * * * *	
35,580	Municipal fire.
* * * * *	
37,740	Municipal fire.
* * * * *	
117,550	Municipal fire.
* * * * *	

(Secs. 4 (i), 48 Stat. 1066, 47 U.S.C. 154 (i)—303 (c), 48 Stat. 1082, 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-6852; Filed, May 13, 1944; 10:40 a. m.]

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

MUNICIPAL AND MARINE FIRE STATIONS

The Commission on May 9, 1944, effective June 23, 1944, made the following changes in Part 10:

Section 10.6 was amended to read as follows:

§ 10.6 *Municipal fire station.* The term "municipal fire station" means a radio station licensed in the emergency radio services, operated by a municipality[1] and used for emergency communication relating directly to official fire department activities.

Paragraph (b) of § 10.81 *Licensed period* was amended to read:

(b) For forestry and municipal fire stations, the 1st of December.

Section 10.22 *Marine fire stations,* § 10.45 *Marine fire stations,* § 10.211 *Power,* and § 10.212 *Service which may be rendered,* were deleted.

The following new sections were adopted:

MUNICIPAL FIRE STATIONS

Eligibility for License

§ 10.301 *Municipal fire stations.* Authorizations for municipal fire stations will be granted only to municipalities[2] serving an area having a population in excess of 150,000 persons[3] unless other cogent circumstances warranting such grant are shown.

Frequencies, Power and Emissions

§ 10.311 *Frequencies available.*[4] (a) The following frequencies are allocated for assignment to municipal fire stations:

1630 kc. 35580 kc. 37740 kc.

(b) Only one very high frequency normally will be assigned to a municipality. Requests for additional very high frequencies must be supported by a satisfactory showing of need which shall include a statement specifying and describing the area to be served, number of radio mobile units to be served, peak message traffic load, and such other facts and circumstances which, in the opinion of the applicant, show the need for the additional frequencies requested.

§ 10.312 *Power.* The power authorized for a municipal fire station shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and the local conditions which affect radio transmission and reception and normally shall not exceed 250 watts. Requests for authorization of power in excess of 250 watts must be supported by a satisfactory showing of the need therefor, including a map showing the size of the area to be served, the proposed distribution of associated radio stations, and local conditions which, in the opinion of the applicant, show the need for the higher power requested.

§ 10.313 *Type of emission.* The following types of emission may be authorized for municipal fire stations:

(a) A-1, A-2, and A-3 on the frequency 1630 kilocycles.

(b) A-1, A-2, A-3, A-4 and special emission for frequency modulation on the frequencies 35580 and 37740 kilocycles.

---

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

[1] 7 F.R. 6428, 6936, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5631, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990; 9 F.R. 1219.

[2] 7 F.R. 7318, 9615, 10719, 8 F.R. 4514, 13847.

[1] Includes cities, towns, counties, etc. Applications for municipal police radio authorizations should be signed on behalf of a municipality by the chief executive of the appplicant, e. g., mayor, city manager, first selectman, chairman of the town council, chairman of the board of county commissioners, etc. No other person is empowered to sign such applications unless he has been expressly authorized in writing to do so by the actual applicant, or by the chief executive thereof, in which case such express written authorization should be filed with the Commission.

[2] Municipalities proposing to serve an area having a population of less than 150,000 persons will be expected to obtain coordinated radio communication service from a municipal police radio station, or stations, in the area to be served.

[3] Based on the latest official U. S. Census or other satisfactory evidence.

[4] The frequency 117550 kc. allocated in Appendix B of Part 2 of the Rules and Regulations for municipal fire stations may be assigned on an experimental basis only.

Scope of Service

§ 10.321 *Permissible communications.* Municipal fire stations may be used only for the transmission of communications of an emergency nature directly relating to official activities of the municipal fire department of the station licensee.

§ 10.322 *Points of communication.* In accordance with the provisions of §§ 10.321 and 10.323, municipal fire stations may:

(a) Intercommunicate with other licensed municipal fire stations of the same licensee;

(b) Transmit messages to mobile units used for emergency purposes in coordination with the official activities of the fire department;

(c) Intercommunicate with other licensed stations in the emergency radio service, or communicate with fixed receiving points, only in those instances where emergency and temporary cooperation or coordination is necessary for the performance of the official duties of the fire department of the station licensee.

§ 10.323 *Limitations on point-to-point and one-way transmissions.* Intercommunication between land stations or transmission of messages from any municipal fire station to radio receivers at fixed locations, as provided in § 10.322, is permitted only when:

(a) Other means of communication are impracticable or temporarily unavailable.

(b) Interference is not caused to any mobile radio service.

(c) The points of communication are not within the same local telephone exchange area, unless the messages transmitted are of immediate importance to mobile units, or wire communication facilities between the local points involved are not immediately available.

(d) The points of communication are within the reliable daytime communication range of the transmitting stations involved.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-6853; Filed, May 13, 1944; 10:40 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 204-A]

PART 97—ROUTING OF TRAFFIC

REROUTING OF FREIGHT TRAFFIC IN OHIO, MISSOURI AND MISSISSIPPI RIVER VALLEYS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May, A. D. 1944.

Upon further consideration of Service Order No. 204 (9 F.R. 4613) of April 28, 1944, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 204 (9 F.R. 4613) of April 28, 1944, 49 CFR § 97.13, directing all common carriers by railroad subject to the Interstate Commerce Act operating within the following river valleys; Ohio, Missouri, Mississippi Rivers and their tributaries to reroute traffic having origin or destination in, or ordinarily moving through such territory via routes most available to expedite its movement and prevent congestion because of flood conditions, be, and it is hereby, vacated and set aside. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective immediately; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-6909; Filed, May 15, 1944; 11:05 a. m.]

Chapter II—Office of Defense Transportation

[Suspension Order ODT 9A-1A]

PART 522—DIRECTION OF TRAFFIC MOVEMENT; EXCEPTIONS, SUSPENSIONS AND PERMITS

MOVEMENT OF COAL ON GREAT LAKES

Pursuant to Executive Order 8989, as amended, it is hereby ordered, that:

§ 522.605 *Suspension of provisions of General Order ODT 9A.* All provisions of General Order ODT 9A (8 F.R. 6381), shall be and the same are hereby suspended until July 15, 1944.

Suspension Order ODT 9A-1 (9 F.R. 2494) issued on March 3, 1944, shall be and the same is hereby revoked.

(E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183)

Issued at Washington, D. C., this 13th day of May 1944.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 44-6854; Filed, May 13, 1944; 10:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

AREAS OPEN TO SALMON TRAPS: CLOSED SEASONS IN CERTAIN AREAS

PART 205—ALASKA PENINSULA AREA FISHERIES

Effective only through December 31, 1944, § 205.17 *Areas open to salmon traps* is hereby amended as follows:

Paragraphs (c), (l), and (n) (2) are hereby suspended, and paragraph (a) is amended to read as follows:

(a) Unimak Island: Along the coast on the west and south sides of Ikatan Bay (1) from a point on False Pass (Isanotski Strait) at 54 degrees 48 minutes 54 seconds north latitude, 163 degrees 22 minutes 18 seconds west longitude, to a point at 54 degrees 46 minutes 44 seconds north latitude, 163 degrees 21 minutes 32 seconds west longitude, (2) from a point at 54 degrees 45 minutes 18 seconds north latitude, 163 degrees 17 minutes 30 seconds west longitude, to a point at 54 degrees 45 minutes 15 seconds north latitude, 163 degrees 16 minutes west longitude, (3) from a point at 54 degrees 46 minutes 6 seconds north latitude, 163 degrees 11 minutes 42 seconds west longitude, to a point on Louisiana Cove at 54 degrees 45 minutes 58 seconds north latitude, 163 degrees 8 minutes 52 seconds west longitude.

PART 207—CHIGNIK AREA FISHERIES

In § 207.16 *Areas open to salmon traps,* paragraph (f) is hereby suspended effective only through December 31, 1944.

PART 222—SOUTHEASTERN ALASKA AREA, ICY STRAIGHT DISTRICT, SALMON FISHERIES

Effective only through December 31, 1944, § 222.16 *Areas open to salmon traps,* is hereby amended as follows:

Paragraph (m) is hereby suspended, and paragraphs (b) and (l) are amended to read as follows:

(b) Inian Islands: Along the coast (1) within 2,500 feet of a point at 58 degrees 16 minutes 18 seconds north latitude, 136 degrees 20 minutes 27 seconds west longitude, and (2) within 2,500 feet of a point on the northwestern island at 58 degrees 15 minutes 34 seconds north latitude, 136 degrees 23 minutes 35 seconds west longitude.

* * * * *

(l) Chicagof Island: Northeastern coast from 135 degrees 20 minutes west longitude to 135 degrees 11 minutes 11 seconds west longitude.

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Effective only through December 31, 1944, § 223.19 *Areas open to salmon traps,* is hereby amended as follows:

Paragraph (j) is hereby amended to read as follows:

(j) Admiralty Island: West coast (1) from 57 degrees 38 minutes 7 seconds

north latitude to 58 degrees 38 minutes 45 seconds north latitude, (2) from 57 degrees 40 minutes 47 seconds north latitude to 57 degrees 43 minutes 45 seconds north latitude, (3) from 57 degrees 50 minutes 2 seconds north latitude to 57 degrees 51 minutes 7 seconds north latitude, (4) from 57 degrees 54 minutes 30 seconds north latitude to 57 degrees 55 minutes 30 seconds north latitude, and (5) from 57 degrees 58 minutes north latitude to 58 degrees 2 minutes 7 seconds north latitude.

PART 225—SOUTHEASTERN ALASKA AREA STIKINE DISTRICT, SALMON FISHERIES

Section 225.4 is hereby amended to read as follows:

§ 225.4 *Closed seasons, salmon fishing; exception.* Commercial fishing for salmon is prohibited during the period from 6 o'clock antemeridian June 1 to 6 o'clock antemeridian July 1, and, with the exception of trolling, for the remainder of each calendar year after 6 o'clock antemeridian September 23.

PART 227—SOUTHEASTERN ALASKA AREA CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Effective only through December 31, 1944, § 227.15 *Areas open to salmon traps,* is hereby amended as follows:

Paragraph (j) is hereby suspended and paragraph (t) is amended to read as follows:

(t) Prince of Wales Island: East coast from 55 degrees 20 minutes 15 seconds north latitude to 55 degrees 20 minutes 56 seconds north latitude to 55 degrees 20 minutes 56 seconds north latitude, 132 degrees 9 minutes 38 seconds west longitude.

PART 228—SOUTHEASTERN ALASKA AREA SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

Section 228.8 is hereby amended to read as follows:

§ 228.8 *Closed seasons, salmon fishing.* Commercial fishing for salmon other than trolling, is prohibited prior to 6 o'clock antemeridian July 25, from 6 o'clock postmeridian August 29 to 6 o'clock antemeridian October 5, and for the remainder of each calendar year after 6 o'clock postmeridian October 25: *Provided,* That this prohibition shall not apply to the use of purse seines west of a line from Cape Muzon northwesterly to Cape Ulitka, thence due north to the southern boundary of the Sumner Strait district from 6 o'clock postmeridian July 20 to 6 o'clock antemeridian July 25.

(Sec. 1, 44 Stat. 752; 48 U. S. C. 221)

OSCAR L. CHAPMAN,
Assistant Secretary.

MAY 10, 1944.

[F. R. Doc. 44-6906; Filed, May 15, 1944; 9:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

WYOMING

ORDER WITHDRAWING PUBLIC LANDS

Stock Driveway Withdrawal No. 144, Wyoming No. 18, modified. Stock Driveway Withdrawal No. 189, Wyoming No. 32, redesignated and included in Stock Driveway Withdrawal No. 144, Wyoming No. 18.

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U.S.C. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U.S.C. 300), it is ordered as follows:

The following-described public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 84 W.,
Sec. 7, SW¼NE¼;
Sec. 17, SW¼NE¼ and NW¼SE¼;
Sec. 21, SW¼NW¼ and S½SW¼.
T. 37 N., R. 85 W.,
Sec. 1, S½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 2, SE¼NE¼;
Sec. 12, N½NE¼.
T. 38 N., R. 85 W.,
Sec. 27, W½SW¼;
Sec. 28, E½E½ and NW¼NE¼;
Sec. 34, N½N½, S½NE¼, and SE¼NW¼;
Sec. 35, SW¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼.

The areas described aggregate 1440 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

The orders of the First Assistant Secretary of April 20, 1921, and February 3, 1928, establishing Stock Driveway Withdrawal No. 144, Wyoming No. 18, and modifying Stock Driveway Withdrawal No. 18, Wyoming No. 32, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 84 W.,
Sec. 6, W½;
Sec. 7, W½SW¼ and SE¼SW¼;
Sec. 21 NW¼SE¼.
T. 37 N., R. 85 W.,
Sec. 1, N½NE¼ and NE¼NW¼;
Sec. 2, NW¼NE¼ and N½NW¼;
Sec. 3, N½N½;
Sec. 4, NE¼.
T. 38 N., R. 85 W.,
Sec. 33, E½.

The areas described aggregate 1354.69 acres.

Stock Driveway Withdrawal No. 189, Wyoming No. 32, as established and modified by the orders of the First Assistant Secretary and the Assistant Secretary of the Interior, of February 3 and May 2, 1928, February 18, 1931, July 22, 1940, March 7 and December 19, 1941, and by this order, and now consisting of the following-described lands, is hereby redesignated as a part of Stock Driveway Withdrawal No. 144, Wyoming No. 18:

SIXTH PRINCIPAL MERIDIAN

T. 34 N., R. 80 W.,
Sec. 5, lots 3 and 4.
T. 35 N., R. 80 W.
Sec. 32, SW¼NE¼, SW¼, and W½SE¼.
T. 37 N., R. 84 W.,
Sec. 8, SE¼SW¼ and S½SE¼;
Sec. 17, E½E½;
Sec. 20, E½NE¼ and NE¼SE¼;
Sec. 21, N½SW¼ and SW¼SE¼;
Sec. 27, E½W½ and W½NW¼;
Sec. 28, N½NE¼;
Sec. 34, E½NW¼.

The areas described aggregate 1278.50 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

MAY 4, 1944.

[F. R. Doc. 44-6903; Filed, May 15, 1944; 9:32 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 822]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 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*
Missouri 4-2018E1 Texas	$145,000
Missouri 4-2031D1 Mississippi	114,000
Missouri 4-2038D1 Reynolds	118,000
Missouri 4058A1 Ste. Genevieve	1,268,886
Missouri 4-2058A2 Ste. Genevieve	441,114

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-6911; Filed, May 15, 1944; 11:19 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 un-

der 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, 1942 (7 F.R. 4724), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Alabama Textile Products Corporation, Crestview, Florida; cotton drawers and shorts, O. D.; 10 percent (AT); effective May 12, 1944, expiring November 11, 1944.

Union Underwear Company, Inc., Frankfort, Kentucky; men's and boys' cotton woven shorts; 10 percent (AT); effective May 13, 1944, expiring November 12, 1944.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Bilt-Well Manufacturing Company, Inc., 39 Elm Street, Nashua, New Hamshire; dungarees, one-piece overall suits, aprons; 5 learners (T); effective May 13, 1944, expiring May 12, 1945.

Croyden Manufacturing Company, Hall and Peabody Streets, Staunton, Virginia; pajamas; 40 learners (E); effective May 12, 1944, expiring November 11, 1944.

The Hallmark Manufacturing Corporation, Clinton, South Carolina; men's cotton shirts; 10 percent (T); effective May 18, 1944, expiring May 17, 1945.

The Hercules Trouser Company, Wellston, Ohio; men's and boys' single pants, 10 percent (T); effective May 8, 1944, expiring May 7, 1945.

Augustine Lore, 55 Pike Street, Port Jervis, New York; slips, infants' and children's underwear; 10 learners (T); effective May 10, 1944, expiring May 9, 1945.

R. Lowenbaum Manufacturing Company, East Broadway, Sparta, Illinois; junior dresses; 25 learners (AT); effective May 16, 1944, expiring November 15, 1944.

Monte Manufacturing Company, 903 East St. Louis Street, West Frankfort, Illinois; Work clothing, washable service apparel; 50 learners (E); effective May 10, 1944, expiring November 9, 1944.

Phillips-Jones Corporation, 323 E. Mauch Chunk Street, Pottsville, Pennsylvania; civilian shirts, pajamas, sport shirts, officer's shirts; 10 percent (T); effective May 13, 1944, expiring May 12, 1945.

Primo Pants Company, Versailles, Missouri; men's and boys' pants; 20 learners (E); effective may 16, 1944, expiring October 26, 1944.

Wear Well Garment Company, 1st and German Streets North, New Ulm, Minnesota; men's trousers; 8 learners (T); effective May 16, 1944, expiring May 15, 1945.

GLOVE INDUSTRY

Fox River Glove Company, Inc., Ripon, Wisconsin; work gloves; 3 learners (T); effective May 14, 1944, expiring May 13, 1945.

Morris Manufacturing Company, Main Street, Newbern, Tennessee; work gloves; 10 learners (AT); effective May 8, 1944, expiring November 7, 1944.

HOSIERY INDUSTRY

Charles H. Bacon Company, Lenoir City, Tennessee; seamless hosiery; 10 percent (AT); effective May 13, 1944, expiring November 12, 1944.

Bisher Hosiery Mill, Denton, North Carolina; seamless hosiery; 15 learners (AT); effective May 13, 1944, expiring November 12, 1944.

Brown Bros. Hosiery Mills, 1028 Second Street, Hickory, North Carolina; seamless hosiery; 10 percent (AT); effective May 13, 1944, expiring November 12, 1944.

DeKalb Hosiery Mills, Inc., Fort Payne, Alabama; seamless hosiery; 5 percent (T); effective May 15, 1944, expiring May 14, 1945.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pennsylvania; seamless hosiery; 5 learners (T); effective May 13, 1944, expiring May 12, 1945.

Industrial Hosiery Mills, Inc., Summit and Chestnut Streets, Mohnton, Pennsylvania; seamless hosiery; 4 learners (T); effective May 13, 1944, expiring May 12, 1945.

Sox, Inc., Mt. Gilead, North Carolina; seamless hosiery; 5 learners (T); effective May 10, 1944, expiring May 9, 1945.

Walker County Hosiery Mills, La Fayette, Georgia; seamless hosiery; 10 percent (AT); effective May 13, 1944, expiring November 12, 1944.

TEXTILE INDUSTRY

Castile Silk Company, Main Street, Castile, New York; parachute cloth, broad goods; 3 learners (T); effective May 10, 1944, expiring May 9, 1945.

CIGAR INDUSTRY

General Cigar Company, 7th and Poplar Streets, Benton, Kentucky; cigars; 193 learners (E); cigar machine operating for a learning period of 320 hours at 30 cents per hour; cigar packing, hand stripping, stripping machine operating for a learning period of 160 hours at 30 cents per hour; effective May 22, 1944, expiring August 21, 1944.

Signed at New York, N. Y., this 13th day of May 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-6907; Filed, May 15, 1944; 10:56 a. m.]

LEARNER EMPLOYMENT CERTIFICATE

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 wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Forde Printing Inc., 120 South Front Street, Mankato, Minnesota; printing and stationery; 2 learners (T); pressman, bindery work, printer's devil for a learning period of 480 hours at 30 cents per hour for the first 320

hours and 35 cents per hour for the next 160 hours; effective May 15, 1944, expiring November 14, 1944.

The Runkle Company, 901 S. Wayne Street, Kenton, Ohio; candy; 11 learners (T); candy strokers, fancy chocolate packers for a learning period of 240 hours at 35 cents per hour; effective May 16, 1944, expiring November 16, 1944.

O. L. Shackelford and Company, Greenville, North Carolina; garnishing and degarnishing camouflage nets; 100 learners (E); hand weaving for a learning period of 160 hours at 35 cents per hour; effective May 8, 1944, expiring July 31, 1944.

O. L. Shackelford and Company, Kinston, North Carolina; garnishing and degarnishing camouflage nets; 100 learners (E); hand weaving for a learning period of 160 hours at 35 cents per hour; effective May 8, 1944, expiring July 31, 1944.

Signed at New York, New York, this 13th day of May 1944.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-6908; Filed, May 15, 1944; 10:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[File No. B4-P-3570]

INDEPENDENT MERCHANTS BROADCASTING CO.

NOTICE OF HEARING

In re application of Independent Merchants Broadcasting Company, (WLOL); Docket No. 6582. Date filed: January 19, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Minneapolis, Minnesota; operating assignment specified: Frequency, 1330 kc; power, 5 kw; and hours of operation, unlimited (DA-day and night).

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

1. To determine the areas and populations which may be expected to gain primary service should Station WLOL operate as proposed, and what other broadcast service is available to those areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WLOL as proposed and Stations KFH, KALE, WHBL, WFBC and KROC.

3. To determine the areas and populations which may be expected to lose primary service from stations KFH, KALE, WHBL, WFBC and KROC should Station WLOL operate as proposed and what other broadcast services are available to those areas and populations.

4. To determine (1) whether the operation of Station WLOL as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the predicted 250 mv/m contour ("blanket area"); (2) whether interference would be expected if Station WLOL operated as proposed and (3) whether the applicant will assume full responsibility for and can promptly and satisfactorily adjust all reasonable complaints arising from excessively strong signals from the applicant's station.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942, or as modified by supplemental statements thereto.

6. To determine whether Station WLOL operating as proposed would provide primary service to (a) the business districts; (b) the residential districts; and (c) the metropolitan district of Minneapolis-St. Paul as contemplated by the Standards of Good Engineering Practice.

7. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

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

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

The applicant's address is as follows: Independent Merchants Broadcasting Company, Radio Station WLOL, 1730 Hennepin Avenue, Minneapolis 3, Minnesota.

Dated at Washington, D. C., May 9, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-6850; Filed, May 13, 1944; 10:40 a. m.]

[File Nos. B5-MP-1738; B5-L-1799, B5-Z-1583]

ALBUQUERQUE BROADCASTING CO.

NOTICE OF HEARING

In re application of Albuquerque Broadcasting Company (KOB); docket No. 6584; date filed, February 3, 1944; for modification of construction permit; class of service, broadcast; class of station, broadcast; location, Albuquerque, New Mexico; operating assignment specified: Frequency, 770 kc, power, 50 kw, and hours of operation, unlimited.

In re application of Albuquerque Broadcasting Company (KOB); docket No. 6585; dated filed, February 3, 1944; for license to cover construction permit (B5-P-2783) as modified and authority to determine operating power by direct measurement; class of service, broadcast; class of station, broadcast; location, Albuquerque, New Mexico; operating assignment specified: Frequency, 770 kc, power, 50 kw, and hours of operation, unlimited.

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

1. To determine the areas and populations which would receive primary as well as secondary service from Station KOB operating with either 10 kw or 50 kw on 1030 kc, as well as what other broadcast services are available to those areas and populations.

2. To determine the areas and populations which receive primary as well as secondary service from Station KOB operating with 25 kw—50 kw-LS on 770 kc as well as what other broadcast services are available to those areas and populations.

3. To determine the areas and populations which would receive primary as well as secondary service from Station KOB operating with 50 kw on 770 kc as well as what other broadcast services are available to those areas and populations.

4. To determine the areas and populations which would be prevented from receiving primary or secondary service particularly from Station WBZ should Station KOB operate with either 10 kw or 50 kw on 1030 kc, as well as what other broadcast services are available to those areas and populations.

5. To determine the areas and populations which are prevented from receiving primary or secondary service particularly from Station WJZ as the result of Station KOB operating with 25 kw—50 kw-LS on 770 kc, as well as what other broadcasting services are available to those areas and populations.

6. To determine the areas and populations which would be prevented from receiving primary or secondary service particularly from Station WJZ should Station KOB operate with 50 kw on 770 kc as well as what other broadcast services are available to those areas and populations.

7. To determine whether § 3.25 of the Commission's rules should be amended so as to permit the operation of Station KOB as proposed in application B5-MP-1738.

8. To determine whether the granting of these applications would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

The applications involved herein will not be granted by the Commission unless

the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

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

The applicant's address is as follows: Albuquerque Broadcasting Company, Radio Station KOB, 424 West Gold Avenue, Albuquerque, New Mexico.

Dated at Washington, D. C., May 9, 1944.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-6851; Filed, May 13, 1944; 10:40 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-501, G-533, G-535 and G-539]

NORTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 11, 1944.

Upon consideration of the following applications filed by Northern Natural Gas Company (Applicant) for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended:

(a) Application filed October 15, 1943, in Docket No. G-501, for authority (1) to construct and operate 6.84 miles of 8⅝ inch O. D. pipe line, including 0.27 mile of 8⅝ inch O. D. pipe line undercrossing the Missouri River, together with appurtenances thereto, from a point of connection with Applicant's Council Bluffs, Iowa, town border station situated in the NW¼ of section 20, T. 74 N., R. 43 W., Pottawattamie County, Iowa, and extending in a northwesterly direction to a point in the SW¼ of Section 23, T. 15 N., R. 13 E., Douglas County, Nebraska; (2) construct and operate a measuring station and appurtenant facilities to be located at the terminus of such pipe line;

(b) Application filed March 24, 1944, in Docket No. G-533, for authority (1) to construct and operate 0.7 mile of 4½ inch O. D. pipe line, together with appurtenances thereto, from a point of interconnection with Applicant's 10-inch Ames lateral line in Boone County, Iowa, and extending in a northerly direction to the measuring station to be constructed in Boone County, Iowa; (2) construct and operate such measuring station at the terminus of the aforesaid pipe line;

(c) Application filed March 29, 1944, in Docket No. G-535, for authority to construct and operate a 5200 horsepower natural gas compressing station on Applicant's 24-inch main transmission line in Beaver County, Oklahoma, and one additional 1000 horsepower compressor unit at Applicant's Skellytown, Texas, compressing station;

(d) Application filed April 10, 1944, in Docket No. G-539, for authority (1) to construct and operate approximately 1600 feet of 8⅝ inch O. D. pipe line, together with appurtenances thereto, beginning at a point on the eastern side of the Missouri River, Pottawattamie County, Iowa, where such line will connect with Applicant's 8⅝ inch O. D. pipe line now serving the Farm Crops Processing Corporation, and extending in a northwesterly direction to a point at the eastern end of the Douglas Street Bridge, across the Missouri River, where such line will tie in with the 14-inch and 16-inch pipe line of Applicant extending across the Douglas Street Bridge to the plant of American Smelting and Refining Company; (2) construct and operate a regular station to be located at the terminus of the existing line crossing the Douglas Street Bridge; and

It appearing to the Commission that:

(1) The above-docketed proceedings may involve substantially similar issues and facts;

(2) Good cause exists for consolidating the above matters for the purpose of hearing thereof;

The Commission orders that:

(A) The above-docketed proceedings be and they are hereby consolidated for purposes of hearing;

(B) A public hearing be held commencing on June 5, 1944, at 10:00 a. m., c. w. t., in Customs Court Room, U. S. Customhouse, 610 South Canal Street, Chicago, Illinois, respecting the matters involved and the issues presented in these proceedings;

(c) Interested State commissions may participate in the hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-6905; Filed, May 15, 1944; 9:32 a. m.]

[Docket Nos. G-531 and G-544]

INTERSTATE NATURAL GAS CO., INC.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 12, 1944.

Upon consideration of the following applications filed by Interstate Natural Gas Company, Inc. (Applicant) pursuant to section 7 of the Natural Gas Act, as amended:

(a) Application filed March 15, 1944, in Docket No. G-531, for authority to abandon the northern 40,840 feet of its 16-inch pipe line extending in a southerly direction from Perryville, Ouachita Parish, Louisiana, for approximately twenty-two miles to a point near Alto, Richland Parish, Louisiana, designated Applicant's line T-9; and

(b) Application filed April 29, 1944, in Docket No. G-544, for a certificate of public convenience and necessity authorizing applicant to construct and operate two additional gas compressors of 1,000 horsepower each and appurtenant facilities at applicant's existing De Siard compressor station located at Fowler, Ouachita Parish, Louisiana; and

It appearing to the Commission that:

(1) The above-docketed proceedings may involve substantially similar issues and facts;

(2) Good cause exists for consolidating the above matters for the purposes of hearing;

The Commission orders that:

(A) The above-docketed proceedings be and they are hereby consolidated for purposes of hearing;

(B) A public hearing be held commencing on May 24, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in these proceedings;

(C) Interested state commissions may participate in the hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc 44-6904; Filed, May 15, 1944; 9:32 a. m.]

[Docket No. IT-5829]

ARKANSAS POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

MAY 13, 1944.

It appearing to the Commission that:

It is appropriate to postpone the hearing in the above matter, heretofore set by order of April 10, 1944, for May 17, 1944, at 9:45 a. m. (c. w. t.) in Little Rock, Arkansas;

The Commission orders that:

The hearing in the above-entitled matter, now ordered for May 17, 1944, in Little Rock, Arkansas, for the purpose of determining the issues raised by the Commission's order of June 15, 1943, in this proceeding and the above named company's response thereto, be and it

hereby is postponed pending further order of the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-6935; Filed, May 15, 1944; 11:40 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 240]

RECONSIGNMENT OF CITRUS FRUIT AT MINNEAPOLIS, MINN.

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 Minneapolis, Minnesota, May 10, 1944, by Mutual Orange Distributors of car PFE 34395, citrus, now on the Chicago, Milwaukee, St. Paul and Pacific, to Thief River Falls (Great Northern).

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 servic 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 10th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6866; Filed, May 13, 1944; 11:45 a. m.]

[S. O. 164, Special Permit 57]

REFRIGERATION OF CITRUS FRUIT FROM MISSION, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to car ART 13121, citrus, shipped from Mission, Texas, May 9, 1944, to Kansas City, Missouri, reconsigned to Hutchinson, Kansas, with stop at Topeka, Kansas, to partly unload (Routed MP to Kansas City-CRI&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 10th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6867; Filed, May 13, 1944; 11:45 a. m.]

[S. O. 206]

UNLOADING OF COAL AT PATCHOGUE, RIVERHEAD, AND BAYPORT, L. I., N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of May, A. D. 1944.

It appearing that eight (8) cars containing coal at Patchogue, L. I., one (1) car at Riverhead, L. I., and one (1) car at Bayport, L. I., on The Long Island Railroad Company consigned to Leon Bituminous Coal Sales, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an amergency exists requiring immediate action; it is ordered, that:

Coal at Patchogue, Riverhead, and Bayport, Long Island, N. Y., to be unloaded. (a) The Long Island Railroad Company, its agents or employees, shall unload forthwith the following cars containing coal, PRR 187593, PRR 741663, PRR 186381, PRR 165678, PRR 185629, PRR 924883, PRR 730583 and N&W 27061 on hand at Patchogue, L. I. PRR 901575 at Riverhead, L. I., and PRR 261932 at Bayport, L. I., New York.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads of coal have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17) 15 (2))

It is further ordered, That this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Long Island Railroad Company and upon the Association of American Railroads, Car Service Division as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6865; Filed, May 13, 1944; 11:45 a. m.]

[S. O. 200, General Permit 4]

REICING OF POTATOES FROM CALIFORNIA AND ARIZONA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes in California, or Arizona to reice once in transit when destined west of the Mississippi River and to reice twice in transit when destined east of the Mississippi River, at stations designated by shippers or, at carrier's option, at the first icing station west or east of such designated station. This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective 12:01 a. m., May 20, 1944, and shall expire with July 15, 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 May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6910; Filed, May 15, 1944; 11:05 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

BATZOUROFF AND CIE

NOTICE OF HEARING

Order for and notice of hearing before Vested Property Claims Committee in the matter of Dragio Batzouroff, Batzouroff & Cie.

Whereas, by Vesting Order No. 1583, dated May 29, 1943 (8 F.R. 9076), the Alien Property Custodian vested, among other things, the following described property:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of, or on account of, or owing to said Batzouroff & Cie.

Whereas, Dragio Batzouroff has filed a notice of claim, No. 1737, which claim appears to assert that the said Dragio Batzouroff is the owner and entitled to the immediate possession thereof and that he is not a national of a designated enemy country.

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 F.R. 16709), that a hearing on said claim be held before the Vested Property Claims Committee or any member or members thereof, on Tuesday, May 23, 1944, at 10:00 a. m. Eastern War Time, at the Office of the Alien Property Custodian, 120 Broadway, New York City, New York, to continue thereafter at such time and place as the Committee may determine.

It is further ordered, That copies of this notice of hearing be served by registered mail upon the claimant and upon the person designated in paragraph 2 of the said notice of claim and upon Edward V. Killeen, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before May 20, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting orders are available for public inspection at the address last above stated.

Dated: May 12, 1944.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE.
JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.
NUGENT DODDS.

[F. R. Doc. 44-6827; Filed, May 12, 1944; 11:32 a. m.]

KONOSUKE IWAKAMI, ET AL.

[Vesting Order 3405]

In re: Real property, claim, fire insurance policy and bank account owned by Konosuke Iwakami and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses are set forth below are residents of Japan and are nationals of a designated enemy country (Japan);

Names and Last Known Addresses

Konosuke Iwakami, Japan.
Junko Iwakami, Yokohama, Japan.
Kotaro Iwakami, Yokohama, Japan.
Yoshiko Iwakami, Yokohama, Japan.
Taiji Iwakami, Yokohama, Japan.

2. That Konosuke Iwakami, Junko Iwakami, Kotaro Iwakami, Yoshiko Iwakami and Taiji Iwakami are the owners of the property described in subparagraphs 4-a and 4-b hereof;

3. That Konosuke Iwakami is the owner of the property described in subparagraph 4-c hereof;

4. That the property described as follows:

a. Real property situated at Kamakela, Honolulu, City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, including particularly, but not limited to, that certain rent claim against the United States Army arising by reason of its occupancy of the premises described herein pursuant to authorization granted by Masaji Marumoto, administrator of the estate of Koh Iwakami, deceased, and attorney in fact for Konosuke Iwakami,

b. All right, title and interest of the persons whose names appear in subparagraph 1 hereof in and to Fire Insurance Policy No. 7502857 issued by the Northern Assurance Co., Ltd., London, England, which policy covers the improvements to the real property described in subparagraph 4-a hereof, and

c. The sum of $500 constituting a portion of that certain bank account maintained with the Bank of Hawaii, Honolulu, T. H., which account is due and owing to, and held for and in the name of Konosuke Iwakami, and any and all security rights in and to any and all collateral for all or part of such sum, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraphs 4-b and 4-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 4-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 4-a hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 4-b and 4-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 4, 1944.

[SEAL] JAMES E. MARKHAM.
Alien Property Custodian.

EXHIBIT A

All of that certain piece or parcel of land, situate, lying and being at Kamakela, Honolulu, City and County of Honolulu, Territory of Hawaii, being a portion of L. C. Aw. 853 to Poo, a portion of L. C. Aw. 8547 to Kaiwai and being a portion of L. C. Aw. 111029 to J. Stevensen, and being Lot Number Seven (7) of the subdivision of the former St. Louis College premises situated on the Northwest side of College Walk, and more particularly described as follows:

Beginning at the East corner of this lot, being also the South corner of Lot 6, on the Northwest side of College Walk, the coordinates of said point of beginning referred to Government Survey Monument set at an angle in Kukui Street about 200 feet Northwesterly from Nuuanu Stream, being 247.47 feet South and 155.90 feet West, and thence

running by azimuths measured clockwise from true South:

1. 55°05'30" 65.17 feet along the Northwest side of College walk;
2. 146°10' 140.03 feet along Lot C;
3. 235°05'30" 62.54 feet along Lot 8;
4. 325°05'30" 140.00 feet along Lot 6 to the point of beginning and containing an area of 8,940 square feet, or thereabouts.

And being the same premises conveyed to Koh Iwakami and Suyeyoshi Murakami (Grantor herein), copartners doing business under the name and style of "Iwakami Company" by deed of Tsunetaro Itano dated December 22, 1938, and recorded in the office of the Registrar of Conveyances at Honolulu, in Liber 1479, pages 107-108.

[F. R. Doc. 44-6804; Filed, May 12, 1944; 11:03 a. m.]

[Vesting Order 3408]

CHIZU MITAMURA

In re: Real property, household furniture and furnishings, property insurance policies and claims owned by Chizu Mitamura.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Chizu Mitamura is Yokohama, Japan, and that she is a resident of Japan and a national of a designated enemy country (Japan);
2. That Chizu Mitamura is the owner of the property described in subparagraph 3 hereof;
3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All the household furniture and furnishings, and garden ornaments, owned by Chizu Mitamura, located in the dwelling and on the premises of the property described as the First Parcel of Land in Exhibit A, attached hereto,

c. All right, title and interest of Chizu Mitamura in and to fire insurance policy No. 5525 issued by the California Insurance Company of San Francisco, insuring the premises described as the First Parcel of Land in Exhibit A, attached hereto, and fire insurance policy No. 989554 issued by the Potomac Insurance Company of the District of Columbia, insuring the premises described as the Second Parcel of Land in Exhibit A, attached hereto.

d. All right, title, interest and claim of any name or nature whatsoever of Chizu Mitamura in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Chizu Mitamura by the Cooke Trust Co., Ltd. arising out of the management of the property described as the First Parcel of Land in Exhibit A, attached hereto, and represented on the books of the Cooke Trust Co., Ltd. as a credit balance due Chizu Mitamura, including but not limited to all security rights in and to any and all collateral for any and all of such obligations, and the right to enforce and collect such obligations, and

e. All right, title, interest and claim of any name or nature whatsoever of Chizu Mitamura in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Chizu Mitamura by the National Mortgage & Finance Co., Ltd., arising out of the management of the property described as the Second Parcel of Land in Exhibit A, attached hereto, and represented on the books of the National Mortgage & Finance Co., Ltd. as a credit balance due Chizu Mitamura, including but not limited to all security rights in and to any and all collateral for any and all of such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3-c, 3-d, and 3-e hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b, 3-c, 3-d and 3-e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 4, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

First parcel of land. All of those certain parcels of land situate on the Southeast side of Eleventh Avenue, City and County of Honolulu, Territory of Hawaii, described as follows:

Lots Numbered Seventeen (17), area 15,291.0 square feet and Eighteen (18), area 19,873.0 square feet, as shown and delineated on subdivision Map or Plan accompanying Land Court Application No. 704 of Lam Quon, and being all of the lands described in transfer Certificate of Title Number 6172 issued to the said—Chizu Mitamura—, an unmarried woman, on July 2nd, 1927.

Second parcel of land. All of that certain parcel of land situate at Waikiki, City and County of Honolulu, Territory of Hawaii, described as follows:

Lot Number Nine-A (9-A), in Block Number Two (2) of the McCully Tract, as shown and delineated upon a subdivision map of said McCully Tract (Petition No. 279) approved by the Land Court November 15, 1916, and being all of the land described in Transfer Certificate of Title Number 1423 issued to the said—Chizu Mitamura—(w), divorced, on March 1st, 1920.

[F. R. Doc. 44-6805; Filed, May 12, 1944; 11:03 a. m.]

[Vesting Order 3520]

J. (JINZO) FUKUDA

In re: Real property, property insurance policies and a bank account owned by J. (Jinzo) Fukuda.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of J. (Jinzo) Fukuda is Kanaya, Imamoto, Miyako, Fukuoka, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);
2. That J. (Jinzo) Fukuda is the owner of the property described in subparagraph 3 hereof;
3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title and interest of J. (Jinzo) Fukuda in and to insurance policy No. 508752, issued by the American Insurance Company of Newark, New Jersey, insurance policy No. 2,673,514, issued by the Law Union and Rock Insurance Company, Limited, of London, England, and insurance policy No. 7,502,732, issued by the Northern Assurance Company, Limited, of London, England, which policies insure the improvements to the premises described in subparagraph 3-a hereof, and

c. The sum of $500, constituting a portion of that certain bank account with the Bishop National Bank, Honolulu, T. H., which account is due and owing to, and held for, J. (Jinzo) Fukuda, in the name of J. (Jinzo) Fukuda, Harry C. Koga, trustee, and any and all security rights in and to any and all collateral for all or part of such sum, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 24, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land (portion of the land described in Royal Patent Number 1985, Land Commission Award Number 6245, Apana 1 to Kalaeokekoi) situate, lying and being at Kamakela, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

Commencing at the North corner of this parcel on makai side of road 25 feet wide; and running:

S. 53°30′ W., true, 211 feet along Lot 14;

S. 45°50′ E., true, 7.5 feet along Lane 5 feet wide;

N. 5°30′ E., true, 33 feet;

S. 34°3′ E., true, 70 feet;

N. 53°5′ E., true, 179.5 feet along Lot 16; thence

N. 36°10′ W., true, 75 feet along road to initial point.

Containing an Area of 305/1000 of an acre, or thereabouts, and being the same parcel of land that was conveyed to the said J. Fukuda by Catherine E. Steward, unmarried, by Deed dated June 17th, A. D. 1930 and recorded in the Office of the Registrar of Conveyances at Honolulu, in Liber 1068 on Pages 493–494 on June 19th, 1930 at 10:30 O'clock A. M.

[F. R. Doc. 44–6806; Filed, May 12, 1944; 11:03 a. m.]

[Vesting Order 3521]

EMILIE KOPTA

In re: Real property and property insurance policies owned by Emilie Kopta.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Emilie Kopta is Maaschwitz No. 3 near Colditz, Saxony, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Emilie Kopta is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Brooklyn, County of Kings, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Emilie Kopta in and to fire insurance policy No. 940, issued by Pacific Fire Insurance Company of New York, Platt and Gold Streets, New York, New York, insuring the premises described in subparagraph 3–a hereof,

c. All right, title and interest of Emilie Kopta in and to war damage policy No. 596–54–5224, issued by War Damage Corporation through Pacific Fire Insurance Company of New York, Platt and Gold Streets, New York, New York, insuring the premises described in subparagraph 3–a hereof, and

d. All right, title and interest of Emilie Kopta in and to public liability insurance policy No. LF–22793, as renewed by renewal certificate No. RC–49166, issued by Sun Indemnity Company of New York, 55 Fifth Avenue, New York, New York, insuring the premises described in subparagraph 3–a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3–b, 3–c and 3–d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b to 3–d hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 24, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the Easterly side of East 94th Street distant 439 feet 9 inches Northerly from the corner formed by the intersection of the Northerly side of Foster Avenue with the Easterly side of East 94th Street; running thence Easterly at right angles to East 94th Street and part of the distance through a party wall 100 feet; thence Northerly and parallel with East 94th Street 22 feet; thence Westerly at right angles to East 94th Street 100 feet to the Easterly side of East 94th Street; and thence Southerly along the said Easterly side of East 94th Street, 22 feet to the point or place of beginning.

Together with an easement over the most Southerly 3 feet 6 inches of the premises immediately adjoining on the North for use as a driveway to and from a garage to be built in the rear of the premises herein described for pleasure vehicles only. Subject to an easement over the most Northerly 3 feet 6 inches of the premises herein described for

use as a driveway to and from a garage to be built in the rear of the premises immediately adjoining on the North for pleasure vehicles only.

[F. R. Doc. 44-6807; Filed, May 12, 1944; 11:03 a. m.]

UMETARO SUYEHIRO

[Vesting Order 3522]

In re: Real property and property insurance policies owned by Umetaro Suyehiro, also known as Umetaro Suehiro.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Umetaro Suyehiro, also known as Umetaro Suehiro, is Otake, Saiki-gun, Hiroshima, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Umetaro Suyehiro, also known as Umetaro Suehiro, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Umetaro Suyehiro, also known as Umetaro Suehiro, in and to insurance policies Nos. 696019 and 696020, issued by the Eagle Star Insurance Company, Limited, 90 John Street, New York, New York, which policies insure the improvements to the premises described in subparagraph 3-a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 24, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All of those certain parcels of land (portions of the land described in and covered by Royal Patent Grant Number 161 to William H. Rice, Trustee for Kanakaiki, et al.), situate, lying and being at Kólowalu, in Manoa Valley, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:—

Lot Number One (1):—Beginning at a pipe at the North corner of this Lot, on the Southwest side of Kahaloa Road, the co-ordinates of said point of beginning referred to Government Survey Triangulation Station "Akaka" being 2,566.3 feet South and 1,283.1 feet West, and running by true azimuths:—

1. 307°42′ 69.75 feet along the Southwest side of Kahaloa Road to a stake;
2. 32°55′ 100.00 feet along Lot 2 to a stake;
3. 127°42′ 69.75 feet along Lot 5 to a stake;
4. 212°55′ 100.00 feet along stonewall along Mahele Award 40 to D. Kalanikahua to the point of beginning.

Containing an Area of 6,951 Square Feet, or thereabouts.

Lot Number Two (2):—Beginning at a stake at the North corner of this lot, being also the East corner of Lot 1, on the Southwest side of Kahaloa Road, the true azimuth and distance from a pipe at the North corner of Lot 1 being 307°42′ 69.75 feet and the co-ordinates of said pipe at the North corner of Lot 1 referred to Government Survey Triangulation Station "Akaka" being 2,566.3 feet South and 1,283.1 feet West and running by true azimuths from the above described initial point:—

1. 307°42′ 69.75 feet along the Southwest side of Kahaloa Road to a stake;
2. 32°55′ 100.00 feet along the Northwest side of 20 foot Road to a stake;
3. 127°42′ 69.75 feet along Lot 5 to a stake;
4. 212°05′ 100.00 feet along Lot 1 to the point of beginning.

Containing an Area of 6,951 Square Feet, or thereabouts.

Lot number five (5). Beginning at a stake at the North corner of this lot, being also the West corner of Lot 1, the true azimuth and distance to a pipe at the North corner of Lot 1 being 212°55′ 100.00 feet; and the co-ordinates of said pipe at the North corner of Lot 1 referred to Government Survey Triangulation Station "Akaka" being 2566.3 feet South and 1283.1 feet West, and running by true azimuths from the above described initial point:—

1. 307°42′ 139.5 feet along Lots 1 and 2 to a stake;
2. 32°55′ 50.00 feet along the Northwest side of 20 Foot Road to a stake;
3. 127°42′ 139.50 feet along Lot 7 to a stake;
4. 212°55′ 50.00 feet along stone wall along Mahele Award 40 to D. Kalanikahua to the point of beginning.

Containing an Area of 6,951 Square Feet, or thereabouts.

Together with a right of way for 20-foot road over and upon the following strip of land, being a portion of the said Grant 161 to William H. Rice, Trustee for Kanakaiki, et al, to-wit:

Beginning at a stake at the North corner of this piece of land being also the East corner of Lot 2, on the Southwest side of Kahaloa Road, the true azimuth and distance from a pipe at the North corner of Lot 1 being 307°42′ 139.5 feet; and the co-ordinates of said pipe at the North corner of Lot 1 referred to Government Survey Triangulation Station "Akaka" being 2566.30 feet South and 1283.1 feet West, and running by true azimuths from the above described initial point:

1. 307°42′ 20.0 feet along the Southwest side of Kahaloa Road to a stake;
2. 32°55′ 320.0 feet along Lots 3, 6, 8, 10, 12 and 14 to a stake;
3. 127°42′ 20.0 feet along Lots 14 and 13 to a stake;
4. 212°55′ 20.0 feet along Lot 13 to a stake;
5. 127°42′ 15.0 feet along Lot 13 to a stake;
6. 212°55′ 20.0 feet along Lot 11 to a stake;
7. 307°42′ 15.0 feet along Lot 11 to a stake;
8. 212°55′ 280.0 feet along Lots 11, 9, 7, 5 and 2 to the point of beginning.

Containing an Area of 6,677 Square Feet, or thereabouts.

Said above described premises having been conveyed to the said -Umetaro Suyehiro- (K), by -American Japanese Investment Company, Limited-, a Hawaiian corporation, by Deed dated August 15th, A. D. 1923 and recorded in the Office of the Registrar of Conveyances at Honolulu in Liber 682 on Pages 181-184, on August 24, 1923 and 9:15 O'clock A. M.

[F. R. Doc. 44-6808; Filed, May 12, 1944; 11:04 a. m.]

[Vesting Order 3592]

VERONA LINDEMANN

In re: Estate of Verona Lindemann, also known as Veronica Lindemann and Vilmosne Lindemann, deceased; File D-34-700; E.T. sec. 8754.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Helen Bezzegh, Administratrix, acting under the judicial supervision of the Surrogate's Court, County of Queens, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely, Marie Tobias whose last known address is Hungary;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that

such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests,

All right, title, interest and claim of any kind or character whatsoever of Marie Tobias, in and to the estate of Verona Lindemann, also known as Veronica Lindemann and as Vilmosne Lindemann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6809; Filed, May 12, 1944; 11:04 a. m.]

[Vesting Order 3593]

FREDERICK W. LOEWE

In re: Trust created by Decree of the Superior Court of the State of California, in and for the County of San Mateo, in the Matter of the Estate of F. W. Loewe, also known as Frederick William Loewe, Frederick W. Loewe and F. William Loewe, deceased; File: D–28–2298; E. T. sec. 3161.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Hulda Loewe, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ella Maune, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ella Maune, in and to the trust created by Decree of the Superior Court of the State of California, in and for the County of San Mateo, entered on or about December 28, 1942, in the Matter of the Estate of F. W. Loewe, also known as Frederick William Loewe, Frederick W. Loewe and F. William Loewe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6810; Filed, May 12, 1944; 11:04 a. m.]

[Vesting Order 3594]

OTTILIE MOELLER

In re: Estate of Ottilie Moeller, also known as Tillie Moeller, deceased; File D–28–4040; E. T. sec. 7006.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary McCutcheon, Administratrix, acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Moeller, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Moeller, in and to the estate of Ottilie Moeller, also known as Tillie Moeller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6811; Filed, May 12, 1944; 11:05 a. m.]

[Vesting Order 3595]

ANNA PERRET

In re: Estate of Anna Perret, deceased, and trust under the will of Anna Perret; File D–28–8431; E. T. sec. 9856.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George W. Beehler, Jr., 820 W. Lehigh Avenue, Philadelphia, Pennsylvania, Executor and Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emilie Reisig, Germany.
Otto Wentz, Germany.
Gustav Wentz, Germany.
Helmuth Wentz, Germany.
Three children, names unknown, of August Herman, Germany.
The issue, names unknown, of Otto Wentz, Gustav Wentz, Helmuth Wentz, and of the three children, names unknown, of August Herman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emilie Reisig, Otto Wentz, Gustav Wentz, Helmuth Wentz; three children, names unknown, of August Herman; the issue, names unknown, of Otto Wentz, Gustav Wentz, Helmuth Wentz, and of the three children, names unknown, of August Herman, and each of them, in and to the estate of Anna Perret, deceased; and

All right, title, interest, and claim of any kind or character whatsoever of Emilie Reisig in and to the trust created under Paragraph Tenth of the Will of Anna Perret, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6812; Filed, May 12, 1944; 11:05 a. m.]

[Vesting Order 3596]

KATHRINE SCHMID

In re: Estate of Kathrine Schmid also known as Katherine Schmid, Katie Schmid, Kathrin Schmid and Katharine Schmid, deceased; File D–28–3683; E. T. sec. 6077.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Nicholas A. Heymsfeld, as executor, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

"Jane" Schmid (first name fictitious), Germany.
"Mary" Schmid (first name fictitious), Germany.
Maria Schmid, Germany.
Julius Rein, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of "Jane" Schmid (first name fictitious), "Mary" Schmid (first name fictitious), Maria Schmid and Julius Rein, and each of them in and to the estate of Katherine Schmid also known as Katherine Schmid, Katie Schmid, Kathrin Schmid and Katharine Schmid, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6813; Filed, May 12, 1944; 11:05 a. m.]

[Vesting Order 3597]

SARAH SINGER

In re: Trust created under the will of Sarah Singer, deceased; File D–27–2500; E. T. sec. 3689.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Citizens National Trust & Savings Bank of Los Angeles, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Einstein, Germany.
Caroline Einstein, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Einstein and Caroline Einstein, and each of them, in and to the Trust created under the Will of Sarah Singer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-6814; Filed, May 12, 1944; 11:05 a. m.]

[Vesting Order 3598]

PAUL G. SITZ

In re: Estate of Paul G. Sitz, deceased; File D-28-7705; E. T. sec. 8224.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that —

(1) The property and interests hereinafter described are property which is in the process of administration by Paul W. Sitz, Marion, North Dakota, Administrator, acting under the judicial supervision of the County Court of La Moure County, North Dakota;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Otto Sitz, Germany.
Bruno Sitz, Germany.
Frau Louise Wichmann, Germany.
Martha Krause, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Sitz, Bruno Sitz, Frau Louise Wichmann, and Martha Krause, and each of them, in and to the estate of Paul G. Sitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-6815; Filed, May 12, 1944; 11:06 a. m.]

[Vesting Order 3599]

MARIE ELISABETH GUBSCH STAAR

In re: Estate of Marie Elisabeth Gubsch Staar, also known as Elisabeth Staar, deceased; File D-28-3872; E. T. sec. 6614.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mrs. Emil Holtz, Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ludwig Bahlsen, Germany.
Miss Clara Knuepfer, Germany.
Mrs. Otto Fritzsche, Germany.
Mrs. Heinrich Kornding, Germany.
Mrs. Greta Gary, Germany.
Mrs. Lena Winkelman, Germany.
Mrs. Paul Zenner, Germany.
Martha Haus, Germany.
Mrs. Gretl Roth, Germany.
Mrs. Minna Richter, Germany.
Miss Alwine Fritze, Germany.
Miss Tilla Sauerland, Germany.
Mrs. Roschen Koch, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ludwig Bahlsen, Miss Clara Knuepfer, Mrs. Otto Fritzsche, Mrs. Heinrich Kornding, Mrs. Greta Gary, Mrs. Lena Winkelman, Mrs. Paul Zenner, Martha Haus, Mrs. Gretl Roth, Mrs. Minna Richter, Miss Alwine Fritze, Miss Tilla Sauerland, Mrs. Roschen Koch, and each of them, in and to the Estate of Marie Elisabeth Gubsch Staar, also known as Elisabeth Staar, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-6816; Filed, May 12, 1944; 11:06 a. m.]

[Vesting Order 3600]

ELSE KUERSCHNER

In re: Assignment for the benefit of creditors, George Steinweg to Jacob Newhouse; File D-28-3608; E. T. sec. 5849.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of Supreme Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Else Kuerschner, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All the property and estate of Else Kuerschner, of any nature whatsoever, in the possession of the City Treasurer of the City of New York, Municipal Building, Chambers Street, New York, New York,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6817; Filed, May 12, 1944; 11:06 a. m.]

[Vesting Order 3601]

ELSIE SWERNOFSKY

In re: Estate of Elsie Swernofsky, deceased; File D–28–7904; E. T. sec. 8636.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Harris Swernofsky, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Laura Lewin, Germany.
Lina Hirsch, Czechoslovakia.

And determining that—

(3) Lina Hirsch, a citizen or subject of a designated enemy country, Germany, and within enemy occupied area, Czechoslovakia, is a national of a designated enemy country, Germany;

(4) To the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Laura Lewin and Lina Hirsch, and each of them, in and to the Estate of Elsie Swernofsky, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6818; Filed, May 12, 1944; 11:06 a. m.]

[Vesting Order 3602]

JOHN TERSAN

In re: Estate of John Tersan, deceased; File: D–28–3895; E. T. sec. 6654.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Theodore A. Kohler, Jr., Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Nevada;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louise Sinko, (Austria) Germany.
Marie Tersan, (Austria) Germany.
Rosa Gollesch, Jugoslavia.

And determining that—

(3) Rosa Gollesch, a citizen or subject of a designated enemy country, Germany, and within enemy occupied area, Jugoslavia, is a national of a designated enemy country, Germany;

(4) To the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louise Sinko, Marie Tersan and Rosa Gollesch, and each of them, in and to the Estate of John Tersan, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6916; Filed, May 15, 1944; 11:22 a. m.]

[Vesting Order 3603]

ELSIE WAGNER

In re: Estate of Elsie Wagner, also known as Elsie Wagner Spiegeleire, deceased; File D–28–3478; E. T. sec. 5488.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Marie C. Arth, Executrix of the estate of Elsie Wagner, also known as Elsie Wagner Spiegeleire, deceased, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Lotta Kahl, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lotta Kahl, in and to the estate of Elsie Wagner, also known as Elsie Wagner Spiegeleire, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6917; Filed, May 15, 1944; 11:22 a. m.]

[Vesting Order 3604]

WENIGER AND COMPANY

In re: Weniger and Company in bankruptcy File D–66–418; E. T. sec. 2784.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Albert A. Drucker, Emil Reutlinger and Otto H. Kaupp, Liquidating Trustees, acting under the judicial supervision of the United States District Court for the Eastern District of Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mr. Ernst Fischer, pr A. Klein, Germany.
Mr. John Losem, Germany.
Mrs. John Losem, Germany.
Mr. Martin Arfmann, Germany.
Mr. Richard Baier, Germany.
Mrs. Richard Baier, Germany.
Mr. Ernst Beilharz, Germany.
Mrs. Ernst Beilharz, Germany.
Mr. Bernhard Max Brunner, Germany.
Mrs. Ida Buhner Lang, Germany.
Mr. Wilhelm Burkhardt, Germany.
Mrs. Wilhelm Burkhardt, Germany.
Mr. Friedrich Dietz, Germany.
Mr. George Engelhard, Germany.
Mr. Ernst Feddrich, Germany.
Mr. Joseph Fischer, Germany.
Mr. Emil Fleischmann, Germany.
Franckh'sche Verlagshandlung, Germany.
Mrs. Elsa Friedhammer, Germany.
Mr. Rudolf Gohlke, Germany.
Mrs. Rudolf Gohlke, Germany.
Mr. Bruno Haeberer, Germany.
Mrs. Bruno Haeberer, Germany.
Mr. Karl Hausner, Germany.
Mr. Ernst Hochstein, Germany.
Mrs. Martha Kirsten Hoffmueller, Germany.
Miss Anna Jennerich, Germany.
Miss Marie Jennerich, Germany.
Mr. Joseph Kappen, Germany.
Mrs. Joseph Kappen (Franziska Kappen), Germany.
Anna Kappler, Germany.
Mr. Helmut Klauke, Germany.
Miss Wally Klose, Germany.
Mrs. Selma Kubein, Germany.
Mrs. Olga Kuelper, Germany.
Mr. Paul Kunz, Germany.
Mr. August Lauber, Germany.
Mrs. August Lauber, Germany.
Mr. Eugene Hoerner, assignee of Fritz O. Evers, executor of will of Erdmann Laufmann; deceased, Germany.
Else Rosa Lenk, Germany.
Mr. Eduard Lesch, Jr., Czecho-Slovakia.
Mr. Eduard Lesch, Sr., Czecho-Slovakia.
Mr. Jack Lohner, Czecho-Slovakia.
Mr. Emil Lorenz, Germany.
Mrs. Emil Lorenz, Germany.
Mr. Richard Lorenz, Germany.
Mrs. Mina Wahl Maier, Germany.
Mr. Wilhelm Mattern, Germany.
Mrs. Wilhelm Mattern, Germany.
Mrs. Anna Mattern, Germany.
Mr. Georg Mauer, Germany.
Mrs. Georg Mauer, Germany.
Mr. Karl Mauer, ermany.
Mr. Otto Mellen, Germany.
Mrs. Otto Mellen, Germany.
Betty Nagl, Germany.
Mrs. Lina Neu, Germany.
Mr. Alfred Neuhauser, Germany.
Mrs. Alfred Neuhauser, Germany.
Mrs. Marie Jauss Madsen, Germany.
Anna Pfaff, Germany.
Luise Roth, Germany.
Mr. Victor Schusterbauer, Germany.
Mr. Gustav Adolf Stenger, Germany.
Mr. Julius Stenger, Germany.
Mr. Konrod Stenger, Germany.
Mr. Ernst Thieme, Germany.
Mr. Peter Tjaden, Germany.
Mr. Joseph Walter, Germany.
Mr. Arthur Wendler, Germany.

And determining that—

(3) Eduard Lesch, Jr., Eduard Lesch, Sr., Jack Lohner and Mrs. Marie Jauss Madsen, citizens or subjects of a designated enemy country, Germany, and within enemy occupied areas, Czecho-Slovakia and Denmark, are nationals of a designated enemy country, Germany;

(4) To the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mr. Ernst Fischer pr A. Klein, Mr. John Losem, Mrs. John Losem, Mr. Martin Arfmann, Mr. Richard Baier, Mrs. Richard Baier, Mr. Ernst Beilharz, Mrs. Ernst Beilharz, Mr. Bernhard Max Brunner, Mrs. Ida Buhner Lang, Mr. Wilhelm Burkhardt, Mrs. Wilhelm Burkhart, Mr. Friedrich Dietz, Mr. George Engelhard, Mr. Ernst Feddrich, Mr. Joseph Fischer, Mr. Emil Fleischmann, Franckh'sche Verlagshandlung, Mrs. Elsa Friedhammer, Mr. Rudolf Gohlke, Mrs. Rudolf Gohlke, Mr. Bruno Haeberer, Mrs. Bruno Haeberer, Mr. Karl Hausner, Mr. Ernst Hochstein, Mrs. Martha Kirsten Hoffmueller, Miss Anna Jennerich, Miss Marie Jennerich, Mr. Joseph Kappen, Mrs. Joseph Kappen (Franziska Kappen), Anna Kappler, Mr. Helmut Klauke, Miss Wally Klose, Mrs. Selma Kubein, Mrs. Olga Kuelper, Mr. Paul Kunz, Mr. August Lauber, Mrs. August Lauber, Mr. Eugen Hoerner, Assignee of Fritz O. Evers, Executor of Will of Erdmann Laufmann, deceased, Else Rosa Lenk, Mr. Eduard Lesch, Jr., Mr. Eduard Lesch, Sr., Mr. Jack Lohner, Mr. Emil Lorenz, Mrs. Emil Lorenz, Mr. Richard Lorenz, Mrs. Mina Wahl Maier, Mr. Wilhelm Mattern, Mrs. Wilhelm Mattern, Mrs. Anna Mattern, Mr. Georg Maurer, Mrs. Georg Maurer, Mr. Karl Maurer, Mr. Otto Mellen, Mrs. Otto Mellen, Betty Nagl, Mrs. Lina Neu, Mr. Alfred Neuhauser, Mrs. Alfred Neuhauser, Mrs. Marie Jauss Madsen, Anna Pfaff, Luise Roth, Mr. Victor Schusterbauer, Mr. Gustav Adolf Stenger, Mr. Julius Stenger, Mr. Konrod Stenger, Mr. Ernst Thieme, Mr. Peter Tjaden, Mr. Joseph Walter and Mr. Arthur Wendler, and each of them, in and to the property and estate of Weniger and Company, Bankrupt,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6918; Filed, May 15, 1944; 11:22 a. m.]

[Vesting Order 3605]

FLORENCE ELLSWORTH WILSON

In re: Trust under Will of Florence Ellsworth Wilson, deceased; File D–28–7852; E. T. sec. 8481.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Morris Henry Frank, 60 East 42nd Street, New York City, R. Thornton Wilson, 1 Sutton Place South, New York City, and Duncan S. Ellsworth, 1 Sutton Place South, New York City, as Executors and Trustees of the Estate of Florence Ellsworth Wilson, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Theodore R. Heye, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Theodore R. Heye, in and to the trust estate created under the last will and testament of Florence Ellsworth Wilson, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6919; Filed, May 15, 1944; 11:23 a. m.]

[Vesting Order 3606]

ISIDORE WITMARK

In re: Estate of Isidore Witmark, deceased; File D–28–3808; E.T. sec. 6425.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jay Witmark and Harry Zalkin, as Executors of the Estate of Isidore Witmark, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franziska Bendan, Kenghansstrasse, I/I Dresden, Alstadt, Germany.

Flora Bendan, Kenghansstrasse, I/I Dresden, Alstadt, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Franziska Bendan and Flora Bendan, and each of them, in and to the estate of Isidore Witmark, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 3, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–6920; Filed, May 15, 1944; 11:23 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 122, Amdt. 9 to Rev. Order 47]

SOLID FUELS IN THE WASHINGTON AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 9 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in the opinion issued herewith and in accordance with § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. In paragraph (c) (1), the table of prices is amended by changing the prices for the pea size of Low Volatile bituminous coal from District No. 7 to read as follows:

Per ton		*Per ½ ton*	
Gross	*Net*	*Gross*	*Net*
$9.30	$8.27	$5.15	$4.64

2. In paragraph (d), the table of prices is amended by changing the prices for the pea size of Low Volatile bituminous Coal from District No. 7 to read as follows:

Consumer prices			Dealer prices	
Gross 2,240 lbs.	Net 2,000 lbs.	Per 100 lbs.	Gross 2,240 lbs.	Net 2,000 lbs.
$8.30	$7.38	$0.70	$8.05	$7.15

This amendment to Revised Order No. 47 shall become effective May 13, 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 12th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6831; Filed, May 12, 1944; 11:44 a. m.]

[MPR 120, Order 758]

GENERAL CONSTRUCTION CO. AND JOHN GABOR

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 758 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

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. 4. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

GENERAL CONSTRUCTION CO., 337 S. HIGH STREET, COLUMBUS, 15, OHIO, RHODES #2 MINE, NO. 6 SEAM, MINE INDEX NO. 4038, PERRY COUNTY, OHIO, SUB-DISTRICT 6, RAIL SHIPPING POINT: SALTILLO, OHIO, STRIP MINE, PRICE CLASSIFICATION: CROOKSVILLE FREIGHT ORIGIN GROUP AND RAILROAD FUEL PRICE GROUP NO. 111

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipment	335	325	285	285	285	275	245	245	250	210	------	250
Railroad fuel	335	325	285	285	285	275	245	245	250	220	------	260
Truck shipment	365	355	345	320	315	265	230	220	------	------	------	------

GENERAL CONSTRUCTION CO., 337 S. HIGH STREET, COLUMBUS, 15, OHIO, RHODES #1 MINE, NO. 5 SEAM, MINE INDEX NO. 4037, PERRY COUNTY, OHIO, SUBDISTRICT 6, RAIL SHIPPING POINT: SALTILLO, OHIO, STRIP MINE, PRICE CLASSIFICATION: CROOKSVILLE FREIGHT ORIGIN GROUP AND RAILROAD FUEL PRICE GROUP NO. 111

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipment	335	325	285	285	285	275	245	245	250	210	------	250
Railroad fuel	335	325	285	285	285	275	245	245	250	220	------	260
Truck shipment	365	355	345	320	315	265	230	220	------	------	------	------

JOHN GABOR, MCARTHUR, OHIO, JOHN GABOR MINE, WINTERS SEAM, MINE INDEX NO. 4033, VINTON COUNTY, OHIO, SUB-DISTRICT NO. 7, RAIL SHIPPING POINT: MCARTHUR, OHIO, STRIP MINE, PRICE CLASSIFICATION: JACKSON FREIGHT ORIGIN GROUP AND RAILROAD FUEL PRICE GROUP NO. 104.

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel	350	345	305	305	305	275	255	245	275	245	------	275
Truck shipment	380	370	360	335	330	265	230	220	------	------	------	------

This order shall become effective May 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6868; Filed, May 13, 1944; 11:48 a. m.]

[Rev. Gen. Order 53]

REGIONAL ADMINISTRATORS AND DISTRICT DIRECTORS

DELEGATION TO SIGN AND ISSUE RENT AND PRICE SUBPOENAS AND INSPECTION REQUIREMENTS

General Order 53 is amended and revised to read as follows:

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942 as amended, the following order is prescribed:

(a) *Order delegating authority to sign and issue subpoenas and inspection requirements in rent and price investigations.* In connection with any investigation related to the administration or enforcement of the Emergency Price Control Act of 1942 as amended, or any regulation or order issued thereunder, the several Regional Administrators and the several District Directors of the Office of Price Administration are each authorized within their respective regions, or districts to sign and issue: (1) subpoenas requiring any person to appear and testify or to appear and produce documents, or both, at any designated place; (2) inspection requirements requiring any person who is engaged in the business of dealing with any commodity, or who rents or offers for rent or acts as broker or agent for the rental of any housing accommodation, to permit the inspection and copying of records and any other documents and to permit the inspection of inventories or defense-rental area housing accommodations, or both.

(b) The terms used herein shall have the same meaning as in the Emergency Price Control Act.

Issued and effective this 13th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6878; Filed, May 13, 1944; 11:52 a. m.]

Regional and District Office Orders.

[Region I Order G-21 Under 18 (c), MPR 280, and MPR 329, Corr. to Amdt. 5]

FLUID MILK IN MAINE

Correction to Amendment No. 5 to Order G-21 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

Through inadvertence the approval of the Regional Director, Food Distribution Administration, was omitted from Amendment No. 5 to Order G-21 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. The approval of the Regional Director, Food Distribution Administration, is added to read as follows:

Approved as of November 6, 1943.

F. D. CRONIN,
Regional Director,
Food Distribution Administration.

This correction shall become effective as of November 1, 1943 at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-6652; Filed, May 9, 1944; 2:46 p. m.]

[Region I Order G-21 Under 18 (c), MPR 280, and MPR 329, Corr. to Amdt. 6]

FLUID MILK IN MAINE

Correction to Amendment No. 6 to Order G-21 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

Through inadvertence the approval of the Regional Director, Food Distribution Administration, was omitted from Amendment No. 6 to Order G-21 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. The approval of the Regional Director, Food Distribution Administration, is added to read as follows:

Approved as of December 3, 1943.

F. D. CRONIN,
Regional Director,
Food Distribution Administration.

This correction shall become effective as of December 1, 1943 at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-6653; Filed, May 9, 1944; 2:45 p. m.]

[Region I Order G-21 Under SR 15, MPR 280, and MPR 329, Corr. to Amdt. 7]

FLUID MILK IN MAINE

Correction to Amendment No. 7 to Order G-21 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, §1351-.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

Through inadvertence the approval of the Regional Director, Food Distribution Administration, was omitted from Amendment No. 7 to Order G-21 under §1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. The approval of the Regional Director, Food Distribution Administration, is added to read as follows:

Approved as of December 17, 1943.

F. D. CRONIN,
Regional Director,
Food Distribution Administration.

This correction shall become effective as of December 18, 1943 at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-6654; Filed, May 9, 1944; 2:47 p. m.]

[Region I Order G-21 Under SR 15, MPR 280, and MPR 329, Corr. to Amdt. 8]

FLUID MILK IN MAINE

Correction to Amendment No. 8 to Order G-21 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Maine.

Through inadvertence the approval of the Regional Director, Food Distribution Administration, was omitted from Amendment No. 8 to Order G-21 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. The approval of the Regional Director, Food Distribution Administration, is added to read as follows:

Approved as of January 1, 1944.

F. D. CRONIN,
Regional Director,
Food Distribution Administration.

This correction shall become effective as of January 1, 1944 at 12:01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-6655; Filed, May 9, 1944; 2:47 p. m.]

[Region I Order G-22 Under 18 (c), MPR 280 and MPR 329, Corr. to Amdt. 4]

FLUID MILK IN VERMONT

Correction to Amendment 4 to Region I Order Number G-22 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the State of Vermont.

Through inadvertence the approval of the Regional Director, Food Distribution Administration, was omitted from Amendment 4 to Region I Order Number G-22 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280 and § 1351.408 of Maximum Price Regulation 329. The approval of the Regional Director, Food Distribution Administration, is added to read as follows:

Approved as of December 24, 1943.

F. D. CRONIN,
Regional Director,
Food Distribution Administration.

This correction shall become effective as of December 26, 1943 at 12: 01 a. m.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of May 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-6656; Filed, May 9, 1944; 2:45 p. m.]

OFFICE OF WAR MOBILIZATION.

[Directive Order 3]

PRICE POLICIES IN DISPOSAL OF SUPPLIES, EQUIPMENT, ETC.

DELEGATION OF AUTHORITY TO SURPLUS WAR PROPERTY ADMINISTRATION

The following resolution passed by the Joint Contract Termination Board is hereby made effective:

The Joint Contract Termination Board, acting by agreement among its members and pursuant to Executive Order 9347, dated May 27, 1943, is concerned with all aspects of the termination of war contracts and the subsequent settlement with war contractors, including the rapid disposition of property by or to contractors in connection therewith. It recognizes, however, that the price policies employed in the disposition of termination inventories by owning agencies or by contractors, prior to their declaration as surplus, bear an important relation to the price policies to be employed in the disposition of similar property which has been or may be declared surplus, and that a single agency should coordinate such price policies. Accordingly, the Joint Contract Termination Board hereby delegates to the Surplus War Property Administration all authority possessed by the former to determine, and to promulgate by regulation or otherwise, price policies to be followed by Government agencies or by contractors under their authority in the disposal of any article, commodity, machinery, equipment, accessory, part, component, assembly, work in process, or any product of any kind, allocable to a terminated war contract and of any machinery or equipment owned by the Government becoming available for disposition in connection with contract terminations.

JAMES F. BYRNES,
Director.

MAY 2, 1944.

[F. R. Doc. 44-6847; Filed, May 12, 1944; 3:40 p. m.]

[Directive Order 4]

UNIFORM TERMINATION ARTICLE FOR GOVERNMENT FIXED PRICE WAR SUPPLY CONTRACTS

POLICY DETERMINATIONS APPROVED BY JOINT CONTRACT TERMINATION BOARD

The Uniform Termination Article for Government Fixed Price war supply contracts was made effective by directive order from this office dated January 8, 1944 (9 F.R. 478). To the end of securing uniformity and certainty in the interpretation and operation of the Article, the following general policy determinations, with respect to it, which have been approved by the Joint Contract Termination Board, are hereby made effective:

1. Paragraph (b) (4) of the Article provides that the prime contractor shall assign to the Government, in the manner and to the extent directed by the contracting officer, all of the right, title and interest of the prime contractor under the orders or subcontracts terminated by reason of their relationship to the work terminated by the termination notice. This provision was designed to assure the Government's right to require the transfer to it of the property and rights under the subcontract or order acquired by the prime contractor from his subcontractors through payments for which the prime contractor is reimbursed by the Government. Accordingly, paragraph (b) (4) is not to be construed as requiring transfer to the Government of other rights of the prime contractor against the subcontractor (such as setoffs or counterclaims) for which no Government reimbursement is made to the prime contractor. In this connection, it was recognized in the preparation of the Article that uniform provisions could

not be drawn which would provide adequately in all cases for the disposition of patent rights involved in prime contracts or subcontracts, and the Article is not intended to forbid the inclusion in contracts of separate provisions covering the disposition of such rights on termination.

2. Paragraph (d) (1) of the Article provides that, in the case of a formula settlement, the contractor will be paid in accordance with the price or prices specified in the contract for completed articles delivered to and accepted by the Government (or sold or retained by the contractor under the provisions of the contract). Paragraph (b) (6) requires the contractor to transfer title and deliver to the Government, in the manner, to the extent and at the times directed by the contracting officer, completed work and other property; and paragraph (b) (7) requires the contractor to use his best efforts to sell any such property in the manner, to the extent, at the time and at the price or prices directed or authorized by the contracting officer.

It was the intent of these provisions, considered together, to require the Government, at times determined by the contracting officer in accordance with applicable regulations, to accept delivery of all articles (which do not represent unreasonable anticipation of production schedules) completed in accordance with the provisions of the contract which the contractor had not previously sold or agreed to retain. In the case of a formula settlement, therefore, all such completed articles will be paid for at the contract price in accordance with the provisions of paragraph (d) (1), rather than at their cost in accordance with the provisions of paragraph (d) (2).

3. Paragraphs (b) (3) and (b) (5) of the Article require the contractor to terminate all orders or subcontracts to the extent that they relate to the performance of any work terminated by the notice of termination; and to settle all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the contracting officer to the extent that he may require, which approval or ratification shall be final for all purposes of the Article. Paragraph (d) (2) (ii) then provides that the Government shall pay to the contractor, among other amounts, the cost of settling and paying claims arising out of the termination of work under subcontracts and orders as provided in paragraph (b) (5).

The Article does not include any provision (corresponding to those occasionally used by one or more of the contracting agencies prior to the effective date of the Article) that, under certain circumstances, final judgments secured by subcontractors against prime contractors in courts of competent jurisdiction were to be regarded as determinations, binding upon the Government, of the amount of the obligation owing by the prime contractor to the subcontractor. The omission of such a provision was not intended to detract from the binding effect of such judgments. In the case of any subcontract which does not contain unusual termination provisions unreasonably increasing the common law rights of the subcontractor, and in which the prime contractor, after making unsuccessful efforts to settle with his subcontractor, is sued in a court of competent jurisdiction, gives prompt notice to the contracting agency involved and offers to the agency control of the defense of the suit, the agency should accept any final judgment as determining the amount of the obligation between the parties to the suit, and as fixing the amount of the Government's obligation to reimburse the prime contractor, to the extent that the subcontract is properly allocable to the prime contract. The propriety of this allocation remains for the determination of the contracting agency.

4. Paragraph (e) (2) of the Article provides that the obligation of the Government to make payments under the Article shall, with certain exceptions, be subject, in the discretion of the contracting officer, to deduction in respect of the amount of any claim of any subcontractor or supplier whose subcontract or order shall have been terminated. The purpose of this provision was to permit the withholding of sums owing by the prime contractor to his subcontractors, in order to assure their receipt by the subcontractor. In any case in which use is made of this provision, the prime contractor is entitled to have the withheld sum applied for his benefit in such a way as to exonerate him, to that extent, from the claim of the subcontractor.

JAMES F. BYRNES,
Director.

MAY 2, 1944.

[F. R. Doc. 44-6848; Filed, May 12, 1944; 3:40 p. m.]

[Directive Order 5]

GOVERNMENT ORGANIZATIONS FOR SETTLEMENT OF CONTRACTS, AND REVIEW OF SETTLEMENTS

STATEMENTS OF POLICY BY JOINT CONTRACT TERMINATION BOARD

The statements of policy adopted by the Joint Contract Termination Board as to Government Organizations for Settlement of Terminated War Contracts, and as to Review of Contract Termination Settlements are hereby made effective for use by the War, Navy and Treasury Departments, the Maritime Commission, Smaller War Plants Corporation, Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Company, Rubber Reserve Company and Foreign Economic Administration. Other departments or agencies of the Government administering the settlement of terminated war contracts will follow the statements of policy to the extent they deem it practicable to do so.

JAMES F. BYRNES,
Director.

MAY 2, 1944.

STATEMENT OF POLICY AS TO GOVERNMENT ORGANIZATIONS FOR SETTLEMENT OF TERMINATED WAR CONTRACTS

PART I—GENERAL PRINCIPLES

1. Simplification and perfection of procedures will not alone suffice to bring about speedy and fair settlements of terminated war contracts. The Government and industry must have organizations adequate, both quantitatively and qualitatively, to handle termination settlements, and the Government in particular must establish means for coordinating the activities of its various agency organizations.

2. Within the Government the principle must obtain that each settlement organization should freely utilize the services and facilities of other settlement organizations better situated to do particular jobs. Each organization should also have access to information obtained by other organizations in their settlement activities. Maximum and most effective utilization of the Government's settlement organizations as a whole requires a high degree of cooperation among the several agencies and of coordination within each agency.

3. There must be constant surveillance by each agency of the operations of its own organization. There must likewise be a continuing effort, through a central body, to maintain uniform policies and procedures of general application and to promote the joint utilization of personnel, information, and experience of all agency organizations. Only in these ways can satisfactory results be assured.

PART II—PROCURING AGENCY ORGANIZATION

4. *Control organizations.* Each procuring agency should establish a supervisory organization within the agency, or should designate for the purpose responsible officials of the agency, to be charged in either case with the responsibility for seeing that the policies established for all procuring agencies are carried out. The functions of such organization or officials should be to supervise the termination activities within the agency to the extent necessary to insure prompt and equitable settlement of terminated contracts, to maintain close contact with the Joint Contract Terminaion Board, to submit to the Board problems of the agency which involve policies of major importance to the Government or as to which uniformity of action on the part of the several procuring agencies is desirable, and to implement the regulations of the Board by the issuance of detailed regulations governing the termination of contracts and their settlement within the agency.

5. *Collection of information.* It should be the responsibility of the designated organization or officials to maintain current information as to the termination settlements in process within the agency, the personnel available for any work incident to such settlements, and the progress made from time to time in terms of settlements effected. Information as to available personnel should be maintained in such manner as to facilitate the temporary assignment of technical personnel to related work in connection with other settlements within the agency or by other agencies, and such information should be made available to other agencies upon request as needs arise.

PART III—ORGANIZATION AT THE NEGOTIATING LEVEL

6. *Contracting officers and technical staffs.* In all contract relations the Government must act through an agent, usually called the contracting officer, who signs settlement agreements and other documents on behalf of the Government. In Government corporations, which operate through officers and agents responsible to boards of directors, the

formalities differ somewhat. In both types of organization, however, there is an individual or a group of individuals who must have the primary responsibility for the prompt and equitable settlement of terminated contracts. Such responsible officials must have assistance in all cases from technical staffs, consisting ordinarily of legal, accounting, property disposal, and other specialists. It is the responsibility of each procuring agency to see that adequate technical assistance of this kind is afforded to the responsible officials and is utilized by them.

7. *Joint utilization of technical staffs.* In a number of instances it will be feasible to assign technical personnel directly to the plants or companies having major termination problems, to work with such plants or companies on a full-time basis and to report to responsible settlement officers. All agencies should utilize such assigned personnel to the greatest practicable extent to avoid duplication. There should be similar utilization of personnel not regularly assigned on a full-time basis but already engaged in making other settlements with the same plant or company, where common elements of claims or other factors offer advantages.

8. *Use of procurement organizations.* Full use of the personnel of procurement organizations, including that of procurement offices in the field, should be made to the greatest extent feasible without interference with procurement operations. Such use is especially important in cases where a new contract will take the place of one that has been terminated, so as to integrate the two transactions.

9. *Property disposal organizations.* The settlement of terminated contracts and the disposition of property allocable thereto are related but separate functions requiring operating personnel experienced in widely different fields. Whether property disposal specialists are to operate under the control of contracting officers or under separate organizations within the procuring agency is to be determined by the agency concerned and depends largely upon the volume of property involved, the magnitude of the problems presented, and the requirements of good administration.

10. *Decentralization.* Many of the operations preliminary to the negotiation of settlement agreements will necessarily be performed by field personnel. In deciding to what extent authority for termination settlements should be decentralized, each procuring agency must consider not only the convenience of contractors and the interests of speedy settlement but the judicious use of its qualified personnel.

Approved: May 2, 1944.

JAMES F. BYRNES,
Director,
Office of War Mobilization.

STATEMENT OF POLICY AS TO REVIEW OF CONTRACT TERMINATION SETTLEMENTS

GENERAL PRINCIPLES

1. The policy of the Joint Contract Termination Board is to encourage the fullest practicable use of negotiation as the method of settling terminated contracts in the interest of speed in settlement and fairness to both parties. Each procuring agency shall make every reasonable effort to arrive at negotiated settlements and shall endeavor at all times to guard against the failure of negotiations because of arbitrary or erroneous decisions by individuals authorized to represent the agency in settlement negotiations. Settlement agreements once made should be final and not subject to reopening except for fraud.

2. A proper degree of control over such settlements must, however, be provided for the protection of the Government's interests. The review procedure set forth below is designed to provide the minimum standards to be observed by all procuring agencies. To the extent that it may be feasible to do so without materially slowing the settlement process, procuring agencies may extend the controls afforded by the review procedure beyond the requirements of these minimum standards. The primary objective of promptness in settlement must not be lost sight of, and review of smaller settlements must not be required at the expense of that objective.

SCOPE AND APPLICABILITY

3. The terms "procuring agency" and "agency", as used in this statement of policy, refer specifically to the War, Navy and Treasury Departments, the Maritime Commission, Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Company, Rubber Reserve Company, and Foreign Economic Administration.

4. The policies and procedures set forth herein shall apply to war contracts terminated other than for default. Any agency, however, may exempt from such policies and procedures contracts in any of the following categories:

(a) Contracts with instrumentalities of the Government or with States, Territories or possessions of the United States or instrumentalities thereof;

(b) Contracts with a foreign government;

(c) Contracts to be substantially performed outside the territorial limits of the continental United States.

ADMINISTRATIVE REVIEW

5. Each procuring agency shall establish one or more settlement review boards, which shall be decentralized to the maximum practicable extent. No negotiated settlement agreement providing for payment to any prime contractor, or to any subcontractor, of an amount in excess of $50,000, as determined in paragraph 6 below, shall be permitted to become binding upon the Government until the proposed settlement has been reviewed and approved by such a board or, in the event of its disapproval, until approved by the head of the procuring agency or such representative as he may designate for that purpose. More than one such approval shall not be required generally with respect to any settlement agreement, but this shall not prevent any procuring agency from providing such headquarters review as it may deem desirable in the case of exceptionally large settlements. Contracting officers may be permitted to submit for such review and approval as the procuring agency may specify any proposed settlement agreements which they consider doubtful. Property disposal boards, if established within the agency, may be utilized in lieu of settlement review boards for the review of property disposal transactions involved in settlements.

6. In determining for review purposes whether any proposed settlement of a prime contract or of a subcontract exceeds $50,000, any amounts credited on account of the disposition of property shall not be deducted from the amount of the settlement, but there shall be excluded (1) amounts payable for completed articles or work at the contract price, and (2) amounts payable for the discharge of all claims of subcontractors or suppliers under such prime contract or subcontract, as the case may be.

7. In the case of terminated cost plus fixed fee prime contracts and terminated cost plus subcontracts where reimbursement of the costs is made after appropriate audit, the foregoing rules will be inapplicable. Each procuring agency shall, however, prescribe such requirements in respect to the review of adjustments in fixed fees as it deems desirable.

8. It shall be the function of settlement review boards to determine the over-all reasonableness of proposed settlements from the standpoint of protecting the Government's interests. Such boards may act upon records submitted by contracting officers or may require the submission of additional information.

Approved May 2, 1944.

JAMES F. BYRNES,
Director,
Office of War Mobilization.

[F. R. Doc. 44-6849; Filed, May 12, 1944; 3:40 p. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket 26]

MIDLAND RAILWAY CO. OF MANITOBA

NOTICE OF HEARING

In the matter of the status under the Railroad Unemployment Insurance Act of the Midland Railway Company of Manitoba and of the individuals performing service in its operations.

Pursuant to regulations under the Railroad Unemployment Insurance Act (45 U.S.C. secs. 351-367), Par 319, §§ 319.42 et seq. (7 F.R. 4777), the following order has been issued:

Order Awarding Benefits on the Basis of Compensation Earned for Service Rendered in the Operations of the Midland Railway Company of Manitoba; Reopening General Counsel's Initial Determination With Respect to Such Service, for Further Proceedings; and Designating Examiner

Whereas the General Counsel, on June 30, 1939, made a determination that the Midland Railway Company of Manitoba is an "employer" under the Railroad Unemployment Insurance Act, and that the individuals performing service in the operations of the Midland Railway Company of Manitoba are covered "employees" under the act; and

Whereas the Midland Railway Company of Manitoba has denied that the Railway Company or the individuals performing service in its operations are covered by the Railroad Unemployment Insurance Act, and has not complied with the provisions of the act; and

Whereas no benefits under the Railroad Unemployment Insurance Act have heretofore been awarded in accordance with the General Counsel's determination of June 30, 1939;

Now, therefore, pursuant to the authority vested in me by Part 319 of the regulations of the Board governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, I hereby order and direct that:

(1) Benefits be, and they hereby are, awarded in accordance with the Gen-

eral Counsel's determination of June 30, 1939, to all individuals whose compensation earned for service rendered in the operations of the Midland Railway Company of Manitoba exclusively or in addition to compensation earned in other employee service for covered employers, is $150 or more in the applicable base year, such benefits to be determined in accordance with section 2 (a) of the Railroad Unemployment Insurance Act by including compensation earned for service rendered in the operations of the Midland Railway Company of Manitoba, and to be payable for any days of unemployment established in accordance with the Railroad Unemployment Insurance Act and applicable regulations: *Provided, however,* That all benefits paid pursuant to this award shall be paid subject to a right of recovery thereof as provided in section 5 (c) of the Railroad Unemployment Insurance Act; and

(2) The General Counsel's determination of June 30, 1939, be, and it hereby is, reopened for further consideration and proceedings in accordance with Part 319 of the regulations; and for the conduct of such proceedings, Mr. Jacob Abrahamson is designated to serve as examiner, with all powers, duties and functions accruing to such examiner pursuant to such designation under Part 319 of the said regulations. The examiner shall arrange for a hearing at the earliest date meeting the convenience of parties in interest, and shall notify all parties properly interested in any issue involved in the proceeding of their right to participate in the proceeding and to present evidence and argument.

Dated: January 31, 1944.

JOSEPH H. FREEHILL,
General Counsel.

Pursuant to the above order, notice is hereby given that a hearing will be held Wednesday, May 31, 1944, at 10:00 a. m., in Courtroom No. 3, Uptown Station and Federal Courts Building, St. Paul, Minnesota, on the following questions:

(1) Has the Midland Railway Company of Manitoba ever been a carrier, within the meaning of the Railroad Unemployment Insurance Act?

(2) Has the Midland Railway Company of Manitoba ever been directly or indirectly owned or controlled by, or under common control with, one or more carriers, within the meaning of the Railroad Unemployment Insurance Act?

(3) Has the Midland Railway Company of Manitoba ever operated any equipment or facilities (other than casual operation of equipment or facilities) or performed any service (other than trucking service or casual service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, within the meaning of the Railroad Unemployment Insurance Act?

(4) Have the individuals engaged in the performance of service in the operations of the Midland Railway Company of Manitoba been, and are they, subject to the continuing authority of the Great Northern Railway Company, or the Northern Pacific Railway Company, or both, to supervise and direct the manner of rendition of their service, so as to have been, and to be, with respect to such service, employees of the Great Northern Railway Company, or the Northern Pacific Railway Company, or both, within the meaning of the Railroad Unemployment Insurance Act?

The Midland Railway Company of Manitoba, the Great Northern Railway Company, the Northern Pacific Railway Company, the individuals who have been awarded benefits on the basis of pay earned for service rendered in the operations of the Midland Railway Company of Manitoba, and all other parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the examiner.

In preparation for, and in the conduct of, said hearing, the examiner is authorized to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. A record will be kept of all evidence and arguments presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. Parties offering exhibits to be admitted in evidence at the hearing may be required to furnish copies of the same to all other parties participating or entering an appearance in the proceeding.

[SEAL] JACOB ABRAMSON,
Examiner.

MAY 13, 1944.

[F. R. Doc. 44-6900; Filed, May 15, 1944; 9:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-512]

CITIES SERVICE COMPANY

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of May, A. D. 1944

Cities Service Company, a registered holding company, having filed a declaration under section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder regarding the proposed expenditure of $5,000,000 to acquire its outstanding 5% debentures held by the public; and

Cities Service Company having now requested an order of the Commission permitting withdrawal of such declaration; and

The Commission finding that an order permitting withdrawal of such declaration would not be detrimental to the public interest or the interest of investors or consumers; *It is ordered,* That such declaration be permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-6888; Filed, May 13, 1944; 2:59 p. m.]

[File No. 1-2177]

SHAWMUT ASSOCIATION

ORDER GRANTING APPLICATION AND IMPOSING TERMS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of May, A. D. 1944.

Shawmut Association having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 adopted thereunder, to withdraw its common stock from listing and registration on the Boston Stock Exchange; a hearing having been held after appropriate notice, a trial examiner's report having been filed, exceptions thereto taken, briefs filed and oral argument heard, the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said act, *It is hereby ordered,* That said application be and hereby is granted: *Provided, however,* That withdrawal shall not become effective until ten days after the date when the applicant shall have filed with the Commission a certificate showing:

1. That the applicant has submitted the proposal to withdraw to the holders of record of its outstanding shares for their consent through solicitations which comply with section 14 of the act and the rules and regulations thereunder, which solicitations shall set forth in full that part of the opinion herein headed "Conclusions" and shall include a clear and complete summary of the facts set forth in the findings of the Commission, in this proceeding; and

2. That within 120 days from the date of our order herein, a majority of the holders of record of the applicant's outstanding stock, and the holders of record of a majority of the shares of such stock, have consented, either by vote (in person or by proxy) at a meeting, or in writing without a meeting, to the withdrawal of such stock from listing and registration.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-6887; Filed, May 13, 1944; 2:59 p. m.]

[File No. 70-886]

PUBLIC SERVICE CORP. OF NEW JERSEY

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 11th day of May 1944.

Public Service Corporation of New Jersey, a holding company and a subsidiary of The United Corporation, a registered holding company, having filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder with respect to the following transactions:

Public Service Corporation of New Jersey proposes to deliver, pursuant to a general call for redemption, $135,000 principal amount of New Jersey and Hudson River Railway and Ferry Company First Mortgage 4% Fifty-year Bonds assumed on June 28, 1940 by Public Service Coordinated Transport, a subsidiary of Public Service Corporation of New Jersey. In connection therewith, Public Service Corporation of New Jersey proposes to contribute to Public Service Coordinated Transport $43,496.25 cash, representing the difference between the redemption price of 105% and the cost of the bonds to Public Service Corporation of New Jersey purchased in the open market for $98,253.75; and

Said declaration having been filed on April 14, 1944 and notice of said filings having been duly given in the form and manner prescribed by Rule U-23, and the Commission not having received a request for a hearing with respect to said declaration within the period prescribed in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (d) of the act and Rule U-43 thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declaration to become effective:

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-26, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-6889; Filed, May 13, 1944; 2:59 p. m.]

[File No. 811-358]

INTERBANC INVESTORS, INC.

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 29th day of May, A. D. 1944.

An application having been filed by Interbanc Investors, Inc., pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered, pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on May 29, 1944, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Henry C. Lank, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated 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 examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other 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. 44-6901; Filed, May 15, 1944; 9:34 a. m.]

[File No. 1-42]

CUSHMAN'S SONS, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of May, A. D. 1944.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $8 Cumulative Preferred Stock, No Par Value, of Cushman's Sons, Inc.;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, June 5, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-6902; Filed, May 15, 1944; 9:34 a. m.]

War Production Board.

FEDERAL HOME HEATING CO.

CONSENT ORDER

Ferdinand J. Kirschofer is the sole owner and proprietor of Federal Home Heating Co. and is a heating contractor doing business at 187 Delaware Avenue, Buffalo, New York. On March 29, 1944, he was charged by the War Production Board with a violation of Preference Rating Order P-84 in that he improperly applied preference ratings to secure heating equipment which he sold and installed over a period of about one year without obtaining customers' certifications as required in paragraph (d) (1) in said order as amended.

Ferdinand J. Kirschofer trading as Federal Home Heating Co. admits numerous violations of Preference Rating Order P-84 as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Ferdinand J. Kirschofer trading as Federal Home Heating Co., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Deliveries of material to Ferdinand J. Kirschofer trading as Federal Home Heating Co., his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Ferdinand J. Kirschofer trading as Federal Home Heating Co., his successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) If through lack of knowledge or information, inadvertence, mistake or otherwise, such deliveries of material are attempted, or such allocation, application or extension is made the said Ferdinand J. Kirschofer trading as Federal Home Heating Co., his successors and assigns are hereby prohibited from accepting any materials thereunder, or from undertaking any installations in which such materials are in any manner used.

(d) Nothing contained in this order shall be deemed to relieve the said Ferdinand J. Kirschofer trading as Federal Home Heating Co., his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on May 13, 1944, and shall expire September 13, 1944.

Issued this 6th day of May 1944

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

[F. R. Doc. 44-6899; Filed, May 13, 1944; 4:22 p. m.]