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Washington, Friday, May 25, 1945

The President

EXECUTIVE ORDER 9554

POSSESSION AND OPERATION OF PROPERTY OF MOTOR CARRIERS IN AND ABOUT THE CITY OF CHICAGO, ILLINOIS

WHEREAS after investigation I find and proclaim that as a result of labor and disturbances there are existing and threatened interruptions of the operations of plants, facilities, and transportation systems owned or operated by motor carriers in and about the City of Chicago; that the war effort will be unduly impeded and delayed by such interruptions; that it has become necessary to take possession and assume control of the said plants, facilities, and transportation systems for purposes that are needful or desirable in connection with the prosecution of the war; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the interest of the war effort the operation of the said plants, facilities, and transportation systems:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 as amended by section 3 of the War Labor Disputes Act, the Act of August 29, 1916, 39 Stat. 645, and the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The Director of the Office of Defense Transportation is authorized and directed, through or with the aid of any public officers, Federal agencies, or other government instrumentalities that he may designate, to take possession and assume control of such of the said plants, facilities, or transportation systems owned or operated by motor carriers in or about the City of Chicago as have been or are about to be interrupted in their operations by reason of a labor disturbance, including all real and personal property and other assets used or useful in connection with the operation of such plants, facilities or transportation systems, and to operate or to arrange for

the operation of the said plants, facilities, and transportation systems in such a manner as he may deem necessary for the successful prosecution of the war; and do anything that he may deem necessary to carry out the provisions and purposes of this order.

2. Subject to applicable provisions of existing law, including the orders of the Office of Defense Transportation issued pursuant to Executive Orders 8989, as amended, 9156, and 9294,¹ the said plants, facilities, and transportation systems shall be managed and operated under the terms and conditions of employment in effect between the carriers and the collective bargaining agents at the time possession is taken under this order. During his operation of said plants, facilities, and transportation systems the Director shall observe the terms and conditions of the directive order dated March 7, 1945, of the Trucking Commission of the National War Labor Board, as modified by the National War Labor Board on May 15, 1945; provided, however, that in the case of each said plant, facility, or transportation system the Director is authorized to pay the wage increases provided for by the said directive orders, which accrued prior to the taking of possession of the said plant, facility, or transportation system under this order, only out of the net operating revenue of the said plant, facility, or transportation system.

3. Except with the prior written consent of the Director, no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets, tangible or intangible, in the possession of the Director hereunder.

4. Possession, control, and operation of any plant, facility, or transportation system, or any part thereof, or any real or personal property, taken under this order shall be terminated by the Director when he determines that such possession, control, and operation are no longer necessary for the successful prosecution of the war.

5. For the purposes of paragraphs 1 to 4, inclusive, of this order, there are

¹ 3 CFR, Cum. Supp.

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Book 1: Titles 1-31, including Presidential documents in full text.
Book 2: Titles 32-50, with 1943 General Index and 1944 Codification Guide.

The complete text of the Cumulative Supplement (June 1, 1938-June 1, 1943) is still available in ten units at \$3.00 each.

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hereby transferred to the Director the functions, powers, and duties vested in the Secretary of War by that part of section 1 of the said Act of August 29, 1916, reading as follows:

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any

system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes in connection with the emergency as may be needful or desirable."

6. The Director of the Office of Defense Transportation may request the Secretary of War to furnish protection for persons employed or seeking employment in the plants, facilities, or transportation systems of which possession is taken and to furnish protection for such plants, facilities, and transportation systems, and may request the Secretary of War to furnish equipment, manpower, and other facilities or services deemed necessary by the Director to carry out the provisions and purposes of this order; and the Secretary of War is authorized and directed upon such request to take such action as he deems necessary to furnish such protection, equipment, manpower, or other facilities or services.

7. This order shall not apply to any motor carrier transportation system which is now in the possession of the government by virtue of Executive Order 9462 dated August 11, 1944.²

HARRY S. TRUMAN

THE WHITE HOUSE,
May 23, 1945.

[F. R. Doc. 45-8755; Filed, May 24, 1945;
10:31 a. m.]

Regulations

TITLE 7—AGRICULTURE

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

[WFO 126, 126-1, and 126-2, Termination]

PART 1410—LIVESTOCK AND MEATS

MAXIMUM LIVESTOCK SLAUGHTER PAYMENTS

War Food Order No. 126, as amended (10 F.R. 1691, 2224), War Food Order No. 126-1 (10 F.R. 1692, 1993, 4285), and War Food Order No. 126-2 (10 F.R. 2425) are hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., May 23, 1945.

Issued this 22d day of May 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-8655; Filed, May 22, 1945;
3:29 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial 336]

NORTHWEST AIRLINES, INC.

**SCHEDULED AIR TRANSPORTATION BETWEEN
MILWAUKEE, WIS., AND NEW YORK, N. Y.**

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regula-

² 9 F.R. 10071.

tions with respect to the approved route of Northwest Airlines, Inc., between Milwaukee, Wisconsin, and New York, N. Y.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 18th day of May 1945.

The following special civil air regulation is made and promulgated to become effective June 1, 1945.

Any first pilot listed in the Northwest Airlines, Inc., air carrier operating certificate on May 1, 1945, will be deemed to have met the requirements prescribed by § 40.2611 (b) of the civil air regulations with respect to the piloting of aircraft in scheduled air transportation on the approved route between Milwaukee, Wisconsin, and New York, N. Y., when he has completed 4 one-way trips over the route as first pilot without passengers or as second pilot with or without passengers and 2 one-way trips as an observer from the cockpit.

This regulation shall terminate September 1, 1945.

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

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-8754; Filed, May 24, 1945;
10:42 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 940]

**PART 3—DIGEST OF CEASE AND DESIST
ORDERS**

SCOTCH WOOLEN MILLS

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Manufacturer—As maker of raw material also:*

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock:*

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:*

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:*

§ 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller—Manufacturer as maker of raw material also:*

§ 3.96 (b) *Using misleading name—Vendor—Products.* In connection with the offering for sale, sale, and distribution of articles of clothing and like merchandise in commerce, (1) using the word "Mills", or any other word or words of similar import or meaning, in its corporate or trade name or to designate, describe, or refer to its business; or representing or implying in any manner that it manufactures the cloth used in the articles of clothing sold or offered for sale by it; or representing or implying in any manner that it owns, operates, or controls any mills or manufacturing establishment in which the cloth used in said articles of clothing is produced; or (2) using the word "Scotch", or any simulation thereof, in its corporate or trade name when such corporate or trade name is used to designate or describe a business

which deals principally in products not of Scotch origin; or representing or implying in any manner that articles of clothing or materials therein which are not of Scotch origin are of Scotch origin; prohibited. (Sec. 5, 33 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec 45b) [Cease and desist order, Scotch Woolen Mills, Docket 940, May 1, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1945.

This matter having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission and the other proceedings had, as recited in the findings as to the facts herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered. That respondent Scotch Woolen Mills, a corporation, 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 articles of clothing and like merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Mills," or any other word or words of similar import or meaning, in its corporate or trade name or to designate, describe, or refer to its business; or representing or implying in any manner that it manufactures the cloth used in the articles of clothing sold or offered for sale by it; or representing or implying in any manner that it owns, operates, or controls any mills or manufacturing establishment in which the cloth used in said articles of clothing is produced.

2. Using the word "Scotch," or any simulation thereof, in its corporate or trade name when such corporate or trade name is used to designate or describe a business which deals principally in products not of Scotch origin; or representing or implying in any manner that articles of clothing or materials therein which are not of Scotch origin are of Scotch origin.

It is further ordered. That respondent shall, within sixty (60) days after the 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. 45-8821; Filed, May 24, 1945;
11:40 a. m.]

[Docket No. 5261]

**PART 3—DIGEST OF CEASE AND DESIST
ORDERS**

AMERICAN FLAG CO.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a7) *Misbranding or Mislabeling—Composition—Wool Products Labeling Act:* § 3.71 (a) *Neglecting, unfairly or decep-*

tively, to make material disclosure—Composition: § 3.71 (a) Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act: § 3.95 (a) Using misleading name—Goods—Composition. I. In connection with the offering for sale, sale and distribution of flags or other articles of a decorative nature, or other fiber products, in commerce, (1) using the word "taffeta" or any other descriptive term indicative of silk to designate or describe any product which is not composed entirely of silk, the product of the cocoon of the silkworm; (2) using the unqualified word "silk" or any other word or words of similar import to designate or describe any fabric which is not composed wholly of unweighted silk, the product of the cocoon of the silkworm; or (3) advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; and, II, in connection with the introduction or manufacture for introduction into commerce, or sale, transportation or distribution in commerce, misbranding flags or other articles of a decorative nature or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as those terms are defined in said Act by failing to affix securely or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the provisions, however, as respects use of the word "taffeta" or any other descriptive term, etc., as above set forth, that such word or descriptive term may be used truthfully to designate or describe the type of weave, construction or finish if such word is qualified by using in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words clearly and accurately naming the fibers or materials from which such product is made; as respects aforesaid required disclosure of

rayon content, that when such products are composed in part of rayon and in part of other fibers or materials, all such fibers or materials, including the rayon, shall be clearly and accurately disclosed; and as respects the foregoing provisions concerning misbranding, that such provisions shall not be construed to prohibit acts permitted by paragraph (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision, that nothing contained in the order shall be construed as limiting any applicable provisions of said Wool Products Labeling Act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, American Flag Company, Docket 5261, April 27, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of April, A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939;

It is ordered, That respondent, the American Flag Company, a corporation, 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 flags or other articles of a decorative nature, or other fiber products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "taffeta" or any other descriptive term indicative of silk to designate or describe any product which is not composed entirely of silk, the product of the cocoon of the silkworm; *Provided, however*, That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction or finish if such word is qualified by using in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words clearly and accurately naming the fibers or materials from which such product is made.

(2) Using the unqualified word "silk" or any other word or words of similar import to designate or describe any fabric which is not composed wholly of unweighted silk, the product of the cocoon of the silkworm.

(3) Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; and when such products are composed in part of rayon

and in part of other fibers or materials, all such fibers or materials, including the rayon, shall be clearly and accurately disclosed.

It is further ordered, That respondent American Flag Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid Acts, do forthwith cease and desist from misbranding flags or other articles of a decorative nature or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as those terms are defined in said Act by failing to affix securely or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber-weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by Paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

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. 45-8822; Filed, May 24, 1945;
11:40 a. m.]

TITLE 17—COMMODITY AND
SECURITIES EXCHANGESChapter II—Securities and Exchange
CommissionPART 230—GENERAL RULES AND REGULA-
TIONS, SECURITIES ACT OF 1933

GENERAL EXEMPTION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby takes the following action:

1. Section 230.220 *Securities exempted* [Rule 220] is amended in the following respects:

A. Paragraph (a) is amended to read as follows:

(a) Except as provided in § 230.221 and in paragraph (d) of this section, all securities offered in accordance with the terms and conditions of §§ 230.220 to 230.224, inclusive, by, on behalf of, or for the benefit of an issuer shall be exempt from registration provided the aggregate offering price of the following shall not exceed \$300,000:

B. Paragraph (b) is amended to read as follows:

(b) Except as provided in § 230.221 and in paragraph (d) of this section, all securities offered in accordance with the terms and conditions of §§ 230.220 to 230.224, inclusive, by, on behalf of, or for the benefit of any person or persons controlling, controlled by, or under common control with an issuer shall be exempt from registration if the aggregate offering price of the following shall not exceed \$100,000:

C. Paragraph (d) is amended to read as follows and is designated paragraph (e):

(e) An offering may be made pursuant to §§ 230.221 to 230.224, inclusive, even though it is contemplated that after the termination of the offering an offering of additional securities will be made.

D. The following new paragraph (d) is added:

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the aggregate offering price of the securities enumerated in both such paragraphs shall not exceed \$300,000 in any period of 12 months.

E. Paragraphs (e), (f) and (g) are designated (f), (g) and (h), respectively.

2. Paragraphs (a) and (b) of § 230.222 [Rule 222], and paragraph (a) of § 230.223 [Rule 223] are amended by striking out "24 hours" and inserting in lieu thereof "five (5) days (Sundays and holidays excluded)".

Effective May 21, 1945.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8727; Filed, May 23, 1945; 2:32 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter B—The Foreign Service

[Foreign Service Regs. 8-8]

PART 116—GENERAL INSTRUCTIONS RELAT-
ING TO NAVIGATION

Pursuant to the authority vested in me by R. S. 1752 (22 U. S. C. 132), by Executive Order 9452 of June 26, 1944 (9 F.R. 7183), as amended by Executive Order 9514 of January 18, 1945 (10 F.R. 771), and by Executive Order 9521 of February 13, 1945 (10 F.R. 1991), sections 1 to 2 of this regulation are prescribed to constitute Chapter XVI of the Foreign Service Regulations of the United States in place of §§ 116.1 and 116.2 of the Foreign Service Regulations.

§ 116.1 *General instructions relating to vessels and aircraft.* Consular officers shall, in the performance of their functions relating to vessels and aircraft, be guided by applicable law and by such administrative instructions as may from time to time be issued.

§ 116.2 *General instructions relating to documents carried by vessels and aircraft.* Consular officers shall, in the performance of their functions relating to documents carried by vessels and aircraft, be guided by applicable law and by such administrative instructions as may from time to time be issued.

In accordance with Executive Order 9521 of February 13, 1945 (10 F.R. 1991), it is determined that the subject matter of those parts of Executive Order 8672 of February 4, 1941, establishing Chapter XVI, sections 1 and 3 of the Foreign Service Regulations of the United States of America (22 CFR, Cum. Supp., 116.1 and 116.2) is covered by the present regulation, which is designed and intended to supersede the above-mentioned parts of Executive Order 8672. In consequence whereof said parts of Executive Order 8672 have no further force and effect.

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

Issued: May 19, 1945.

For the Secretary of State:

[SEAL] DEAN ACHESON,
Assistant Secretary.

[F. R. Doc. 45-8720; Filed, May 23, 1945; 12:26 p. m.]

[Foreign Service Regs. 8-9]

PART 117—CIVIL VESSELS AND AIRCRAFT

Pursuant to the authority vested in me by R. S. 1752 (22 U.S.C. 132), by Executive Order 9452 of June 26, 1944 (9 F.R. 7183), as amended by Executive Order 9514 of January 18, 1945 (10 F.R. 771), and by Executive Order 9521 of February 13, 1945 (10 F.R. 1991), sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this regulation are prescribed to constitute Chapter XVII of the Foreign Service Regulations of the United States in place of the present provisions of §§ 117.1 to 117.11, in-

clusive, of the Foreign Service Regulations.

- Sec.
- 117.1 Services in connection with the entry and clearance of vessels of the United States in foreign ports.
- 117.2 Services in connection with the entry and clearance of American-owned undocumented vessels in foreign ports.
- 117.3 Services for vessels and aircraft clearing from foreign ports for ports in the United States.
- 117.4 Submission of reports on wrecked, lost or stranded vessels of the United States.
- 117.5 Jurisdiction of consular officer over wrecked, stranded or lost vessels of the United States.
- 117.6 Duties of consular officer when assuming jurisdiction over wrecked or stranded vessels, their cargoes, and effects.
- 117.7 Services in connection with surveys of American-owned vessels.
- 117.8 Services in connection with bottomry bonds.
- 117.9 Services in connection with the transfer of a vessel abroad to American ownership.
- 117.10 Services in connection with the transfer abroad of American-owned vessels to aliens, or to foreign registry.
- 117.11 Additional rights and duties of consular officers in connection with navigation generally.

AUTHORITY: §§ 117.1 to 117.11, inclusive, issued under R.S. 1752, 22 U.S.C. 132; E.O. 9452, 9 F.R. 7183, as amended by E.O. 9514, 10 F.R. 771, and by E.O. 9521, 10 F.R. 1991.

§ 117.1 *Services in connection with the entry and clearance of vessels of the United States in foreign ports.* A consular officer of the United States shall render the masters of vessels of the United States arriving in foreign ports such information, assistance, and services as will enable them to comply with their obligations under the laws of the United States and with the local laws and regulations governing the entry and clearance of vessels.

§ 117.2 *Services in connection with the entry and clearance of American-owned undocumented vessels in foreign ports.* A consular officer of the United States may, when requested to do so by the master of an American-owned undocumented vessel arriving at a foreign port, render him services substantially similar to those rendered masters of vessels of the United States, subject to the payment by him of the fees prescribed for such services in the United States Tariff of Foreign Service Fees. (See § 105.15 of this chapter.)

§ 117.3 *Services for vessels and aircraft clearing from foreign ports for ports in the United States.* Consular officers shall furnish the masters of vessels and the commanders of aircraft clearing from foreign ports or ports in the United States with pertinent information concerning the documents required by such vessels and aircraft for entry at ports of the United States, and shall perform such services in connection therewith as are prescribed by applicable law and by such administrative instructions as may from time to time be issued.

§ 117.4 *Submission of reports on wrecked, lost or stranded vessels of the*

United States. Whenever a vessel of the United States is wrecked, lost, or stranded within the jurisdiction of a consular officer of the United States, or whenever such a vessel, its cargo, or passengers and crew, are brought into his jurisdiction after suffering a disaster at sea, the consular officer shall immediately transmit a telegraphic report to the Department of State, giving the name of the vessel, its owner and home port, the voyage on which it was bound, the circumstances attending the disaster, and information concerning the safety of passengers and crew as required by § 122 of this chapter; and he shall promptly follow the telegraphic report with a detailed report by mail, in which he shall state whether the ship's papers have been saved. Similar action shall be taken in the event an aircraft of the United States is wrecked or lost within the jurisdiction of a consular officer.

§ 117.5 *Jurisdiction of consular officer over wrecked, stranded, or lost vessels of the United States.* If treaty provisions, established usage, or local laws permit, a consular officer shall assume jurisdiction over a vessel of the United States which has been wrecked or stranded on a coast within his district or which has been brought into his district after having suffered a disaster at sea and over any cargo or effects belonging to citizens of the United States which have been brought into the officer's district from a wrecked or lost vessel of the United States; provided that the captain or owner of the vessel, or the owner or consignee of the cargo, or the owner of the effects, is absent or incapable of taking possession of the property concerned and provided that no salvage claim has attached to the property. (46 U. S. C. 721.)

§ 117.6 *Duties of consular officer when assuming jurisdiction over wrecked or stranded vessels, their cargoes, and effects.* When a consular officer assumes jurisdiction over a wrecked or stranded vessel, its cargo, and effects, he shall perform the following duties:

(a) Endeavor to collect the vessel's papers and documents relating to the vessel, its cargo, and passengers, and, if possible, deliver them to the proper persons. In the event of the death or non-appearance of such persons, he shall transmit the papers and documents to the Department of State.

(b) Telegraph the owners of the vessel or owners of the cargo or effects, if known, through the Department of State for instructions relative to the future course of action, requesting that funds be deposited with the Department for payment of any expenses necessarily incurred in carrying out their instructions.

(c) In the event the owners of the vessel, cargo, or effects are unknown, submit a full report to the Department of State and await instructions before taking any further action.

§ 117.7 *Services in connection with surveys of American-owned vessels.* (a) *Services in connection with voluntary surveys.* A consular officer of the United States shall order a voluntary survey of an American-owned vessel in a for-

ign port, whenever requested to do so by the master of the vessel, and shall perform necessary services in connection therewith.

(b) *Services in connection with mandatory surveys.* A consular officer of the United States shall order a mandatory survey of a vessel of the United States whenever required to do so under the laws of the United States, but shall have no authority to order a mandatory survey of an American-owned undocumented vessel. When ordering a mandatory survey, a consular officer shall perform necessary services in connection therewith.

§ 117.8 *Services in connection with bottomry bonds.* A consular officer of the United States may take the acknowledgment of a master of an American-owned vessel on a bottomry bond, but he shall not obligate in any way either the Government of the United States or himself in the negotiation of such bond.

§ 117.9 *Services in connection with the transfer of a vessel abroad to American ownership.* When a vessel has been transferred abroad from foreign to American ownership, a consular officer shall, when requested to do so, perform the following services for the purchaser or purchasers of the vessel:

(a) Take an acknowledgment of the execution of the bill of sale for the vessel and make the bill of sale a matter of record in the consular office.

(b) Issue a provisional certificate of registry for the vessel: *Provided,* The purchaser or purchasers desire to have it documented under the laws of the United States: *And provided,* The Commissioner of Customs, Department of the Treasury, first approves the issuance of such certificate.

No provisional certificate shall be issued to any vessel abroad which at the time of its transfer to a citizen of the United States is already documented as a vessel of the United States. Such vessel is entitled to retain its original certificate of registry only until its return to the United States.

(c) In the event the purchaser or purchasers of the vessel do not intend to have it documented under the laws of the United States and provided the approval of the Department of State is obtained in advance, issue to the purchaser or purchasers a certificate to the effect that the execution of the bill of sale has been acknowledged before a consular officer, that the bill of sale has been made a matter of record in the consular office, and that the owners of the vessel are citizens of the United States.

§ 117.10 *Services in connection with the transfer abroad of American-owned vessels to aliens, or to foreign registry.* In connection with the transfer abroad by citizens of the United States of any vessel of the United States, or any interest therein, and during the national emergency proclaimed by the President May 27, 1941, the transfer of any vessel whether documented or not under United States or foreign law, which is owned by any person a citizen of the United States or by any corporation or-

ganized under the laws of the United States or of any State, Territory, District or possession thereof, to a person not a citizen of the United States, or to foreign registry or flag, consular officers of the United States shall make available such information and render such assistance to the parties in interest in the transfer as will enable them to comply with the provisions of sections 9 and 37 of the act of September 7, 1916 (46 U. S. C. 808, 835), as amended, and regulations prescribed thereunder.

§ 117.11 *Additional rights and duties of consular officers in connection with navigation generally.* In addition to their specific rights and duties in matters of navigation set forth above, officers of the Foreign Service shall exercise all other rights and perform all other duties in connection with the navigation of vessels and aircraft generally as are provided for either by applicable law or by such administrative instructions as may from time to time be issued.

In accordance with Executive Order 9521 of February 13, 1945 (10 F.R. 1991), it is determined that the subject matter of Executive Order 8689 of February 19, 1941 (6 F.R. 1083) establishing sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Chapter XVII of the Foreign Service Regulations of the United States (22 CFR Cum. Supp., Part 117), is covered by the present regulation, which is designed and intended to supersede the above-mentioned Executive Order 8689 of February 19, 1941. In consequence whereof, said Executive Order 8689 has no further force and effect.

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

Issued: May 19, 1945.

For the Secretary of State:

[SEAL]

DEAN ACHESON,
Assistant Secretary.

[F. R. Doc. 45-8721; Filed, May 23, 1945;
12:26 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW S. O. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

ADLEE FUEL SERVICE, INC.

Adlee Fuel Service, Inc., 100 Oak Street, Mt. Vernon, New York, is a corporation engaged in the business of buying and reselling anthracite as a retail dealer. It repeatedly violated applicable SFAW regulations, although the violations were drawn to its attention and although one of its responsible officers promised that such violations would not be repeated.

In a signed statement dated April 2, 1945, David M. Lee, President and Secretary of Adlee admitted that it had received regulated sizes of anthracite from wholesale suppliers from whom it had not received anthracite during the base

period in violation of § 602.341 of SFAW Revised Regulation No. 18, as amended. Lee admitted that, although it was notified by the Deputy Solid Fuels Administrator in a letter dated June 24 that it was violating SFAW Revised Regulation No. 18 by receiving coal from non-base period shippers, it had additional cars shipped to it on June 30, 1944 from non-base period suppliers. Altogether during the period from April 18, 1944 to June 30, 1944, Adlee received 2,041.38 tons of anthracite in violation of SFAW Revised Regulation No. 18.

On October 9, 1944, Lee signed a statement in which he listed deliveries that had been made by Adlee in excess of amounts permitted to be delivered by SFAW Regulation No. 17, as amended. In this statement, Lee agreed that Adlee would remove excess amounts from the bins of specified consumers. In his statement of April 2, 1945, Lee admitted that such excess amounts had not been removed from the bins of specified consumers. In addition, in his statement of April 2, Lee stated that he had read a report made out by the SFAW Field Distribution Representatives who had examined Adlee's books and that he agreed that the information taken by these representatives from Adlee's books and made a part of their report was true. The report of these SFAW employees is to the effect that Adlee's books indicate that after April 9, 1944, Adlee continued to make deliveries in amounts in excess of those permitted to be made by SFAW Regulation No. 17.

In his statement of October 9, 1944, Lee admitted that Adlee had, in violation of SFAW Regulation No. 17, made deliveries to consumers who had not filed Consumer Declarations. He agreed on behalf of Adlee that it would henceforth make no deliveries of regulated sizes of anthracite without first obtaining Consumer Declarations. In his statement of April 2, Lee admitted that after October 9, 1944, Adlee had not obtained Consumer Declarations from all consumers to whom it had delivered anthracite. The records of Adlee, according to a partial check made of them by SFAW representatives, under which deliveries of anthracite and coke to 114 consumers were examined, disclosed that during the period from April 1, 1944 through March 14, 1945, Adlee failed to obtain Consumer Declarations from 90 of these consumers. To 24 of these consumers, Adlee delivered anthracite or coke in excess of the amount it was permitted to deliver to them under § 602.304 of SFAW Regulation No. 17. The SFAW investigation further disclosed that from January 25, 1945 to March 14, 1945, Adlee made 87 deliveries of anthracite and coke to 65 of these 114 consumers in amounts in excess of one ton or a seven days' supply in violation of the SFAW Emergency Order of January 25, 1945.

Adlee has failed to keep proper and adequate records of its distribution of anthracite and coke as required by § 602.310 of SFAW Regulation No. 17. In his statement of April 2, Lee offered the explanation that Adlee's "records were not maintained in such form that they could readily serve as reference" because of "insufficient help."

In a letter dated April 12, 1945, the Deputy Solid Fuels Administrator for War notified Adlee of the results of the SFAW investigation, specifying the violations of applicable regulations found to have been committed. Adlee was informed that it might file within 10 days a statement to make such explanations as it might care to offer and to present any facts deemed by it to be pertinent in demonstrating that a suspension order should not be issued against it. No explanation was offered that justifies Adlee's repeated violations of applicable regulations.

The distribution activity of this dealer has impeded the wartime program for the equitable distribution of scarce anthracite and indicates that it cannot be relied upon in the future equitably to distribute anthracite in accordance with applicable SFAW regulations.

In view of the foregoing, *It is hereby ordered:*

(1) Adlee Fuel Service, Inc., Mt. Vernon, New York, its successors or assigns, shall not acquire, sell, transfer, ship, deliver, or otherwise distribute those sizes of anthracite the distribution of which by retail dealers is regulated by the Solid Fuels Administration for War.

(2) No producer or wholesaler of the sizes of anthracite referred to in (1) above shall sell, transfer, ship, deliver, or otherwise distribute any such anthracite to Adlee Fuel Service, Inc., its successors or assigns.

(3) Nothing in this order shall be deemed to prohibit Adlee Fuel Service, Inc., its successors or assigns, from selling the sizes of anthracite referred to in (1) above in transit to or for its account, or in its possession or control, on and after the effective date of this order, to other retail dealers doing business in Mt. Vernon, New York: *Provided*, That it sells such anthracite pursuant to written consent and instruction of the Regional Representative of the Solid Fuels Administration for War in New York, New York.

(4) This order shall become effective five days after the date of the service thereof, unless otherwise hereafter ordered.

(5) This order shall be in effect until April 1, 1946, unless otherwise directed.

Issued this 23d day of May 1945.

DAN H. WHEELER,
Acting Deputy Administrator.

[F. R. Doc. 45-8829; Filed, May 24, 1945;
12:03 p. m.]

[SFAW Reg. 27, Int. Bull. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

INTERPRETATION OF BITUMINOUS COAL REGULATION

The following bulletin contains official answers to some of the typical questions which have been raised concerning the provisions of SFAW Regulation No. 27. This regulation controls the distribution of bituminous coal produced in the United States, and refers principally to transactions between producers, wholesalers and retail dealers. From time to

time, additional interpretations will be issued as the need appears.

Dated: May 24, 1945.

DAN H. WHEELER,
Acting Deputy Administrator.

INTERPRETATIVE BULLETIN No. 1 TO SFAW
REGULATION No. 27

SHIPMENTS TO RETAIL DEALERS

1. Q. Why is it necessary to restrict the amount of bituminous coal in domestic sizes which may be shipped to retail dealers?

A. On the basis of present production estimates, the demand for bituminous coal during the coming fuel year will far exceed the available supply. There will also be a shortage of anthracite. To maintain the nation's established war program without interruption and to safeguard vital civilian services (such as public utilities and transportation), it has become necessary to impose restrictions on the amount of coal available to householders and other consumers of coal who are normally supplied by retail dealers. Accordingly, retail dealers generally are permitted to receive only 80 per cent of the tonnage (of certain sizes) which they received during the base period.

2. Q. Should a shipper calculate the quota of a retail dealer under § 602.703 on the basis of the number of cars or the number of tons shipped to the dealer during the base period?

A. The regulation requires the shipper to determine his obligations on the basis of the number of tons furnished to the retail dealer, but shipments of the maximum and minimum amounts permitted under the regulation should be made to the nearest carload, bargeload or truckload quantity.

3. Q. Section 602.703 (c) requires shippers of coal produced in Districts 7 and 8 to include, in calculating the amount they should furnish to retail dealers, coal shipped during the period April 1, 1944 to March 31, 1945, pursuant to SFAW direction or "written authorization." What is a written authorization?

A. In general, this term includes any statement in writing permitting the shipper to make shipments to retail dealers notwithstanding restrictions contained in former SFAW Regulation No. 23, which authorization was signed by the Deputy Solid Fuels Administrator for War or any SFAW Area Distribution Manager.

4. Q. Last year SFAW authorized some shippers in Districts 7 and 8 to calculate the base period tonnage of certain dealers on an increased percentage basis so as to meet the needs of the community served by the dealers. As a result, a dealer received 95 per cent rather than 90 per cent of the Southern Appalachian coal received by him during the 1943-1944 fuel year. How is the base period of such a dealer computed under SFAW Regulation No. 27?

A. Additional tonnage received by the retail dealer as a result of an increase of the percentage standard used in calculating his quota is to be considered tonnage received pursuant to SFAW "written authorization." Consequently, this additional tonnage shall be added to the shipments of coal produced in Districts 7 and 8 which the retail dealer received during the 1943-1944 fuel year.

5. Q. Last year SFAW authorized certain shippers of coal produced in Districts 7 and 8 to substitute the 1942-1943 fuel year as a base period for certain retail dealers because shipments which the retail dealers received during the 1943-1944 coal year were insufficient to enable the dealer to meet the needs of the community which he served. How is the base period tonnage of such a dealer computed?

A. Under SFAW Regulation No. 27, the base period tonnage of a dealer receiving preference sizes of coal produced in Districts 7 and 8 is generally the amount of coal shipped

to him during the 1943-1944 fuel year plus any such coal shipped during the 1944-1945 fuel year pursuant to SFAW directions or written authorizations. Although written SFAW permission to substitute the base period on shipments of coal produced in Districts 7 and 8 was granted last year to some shippers, the tonnage shipped to retail dealers pursuant to this permission is not to be included in calculating the base period tonnage under SFAW Regulation No. 27. Shippers who desire similar substitution of a base year for the present fuel year, should file their requests with the SFAW Area Distribution Manager for the district in which the coal is produced.

6. Q. A shipper has two mines located in the same district which produced substantially the same kind of coal. In making shipments to retail dealers the coal from these mines has customarily been regarded as interchangeable by the shipper and his retail dealer customers. Should the shipper continue to "pool" this coal?

A. Yes, the past practice should be continued.

7. Q. A shipper has mines located in two districts. May he treat the coal produced in both districts interchangeably?

A. Before coal produced in two different districts may be treated interchangeably, permission of SFAW must be secured. SFAW may authorize the shipper to treat the coal interchangeably if the coal is substantially the same quality, if the retail dealers agree to the substitution, and if such practice will not prejudice the shipper's ability to meet his obligations under the regulation. An application seeking such permission should be filed with the SFAW Area Distribution Manager for each district in which the coal is produced.

8. Q. A producer had five mines in one district in operation during the base period. The coal produced at the five mines was customarily regarded as interchangeable by the producer and his retail dealer customers. This year two of the mines have been abandoned. Is the producer obligated to prorate the tonnage from the three mines to all retail dealers who receive coal during the base period from the five mines?

A. Yes.

9. Q. The production of one mine owned by a producer during the base period has declined this year. The producer has opened a new mine in the same district. May the producer, without first obtaining SFAW permission, utilize tonnage produced at the new mine to meet his obligations to retail dealers supplied with coal during the base period from the old mine?

A. No. As indicated in § 602.703 (h) of SFAW Regulation No. 27, producers of coal at new mines must first report their anticipated daily production and the tonnage by sizes which they expect to have available for distribution to retail dealers to the SFAW Area Distribution Manager for the district in which the mine is located. SFAW will authorize distribution of the coal.

10. Q. During the base period, two partners operated a retail coal yard. This year, the partnership was dissolved and each partner began to operate his own retail yard in the same community. They agreed to divide their trucks, equipment and customer list. What is the obligation of the shipper to each of the partners this year?

A. Questions of this character should be referred for determination to the General Council of Solid Fuels Administration for War, Washington 25, D. C. Normally, when both partners remain in business in the same community, SFAW will authorize allocation of part of the quota of the defunct partnership to each of the partners if such an arrangement is consistent with the agreement of the partners; consistent with meeting the needs of consumers and not unduly burdensome to the shippers.

11. Q. A shipper of District 7 coal supplied a retail dealer during the 1943-1944 fuel year. The dealer then discontinued business and during the 1944-1945 fuel year, the shipper continued to serve the community by shipping the defunct dealer's quota to another dealer in the same city. This year the shipper prefers to furnish the quota to a third retail dealer also located in the same city. May he do so?

A. No. Under former SFAW Regulation No. 23, as under SFAW Regulation No. 27, when a dealer discontinued business, the shipper was authorized to transfer the defunct dealer's quota to one or more dealers in the same community who would supply substantially the same customers. While the shipper could thus select the retail dealer to whom he would transfer the preference tonnage, once having exercised this discretion, he cannot now be permitted to retransfer the tonnage. Accordingly, the shipper is obligated to furnish this year to the retail dealer whom he supplied last year 80 per cent of the tonnage originally furnished to the defunct dealer during the 1943-1944 fuel year.

12. Q. A retail dealer received during the base period three 40-ton cars of prepared coal. Assuming that all shipments to him this year will be made in 40-ton cars, how much coal is the retail dealer permitted to receive?

A. The retail dealer is permitted to obtain 80 per cent of the total tonnage received during the base period (120 tons) or 96 tons. Since shipments are to be made to the nearest carload lot, if 40-ton cars are used, the dealer may receive only 80 tons or two cars; the sixteen additional tons, less than one-half carload, shall be disregarded. However, if one 55-ton car is available, the dealer may receive a total of 95 tons (40 tons plus 55 tons); the additional one ton shall be disregarded.

13. Q. A retail dealer received one car of coal produced in District 8 during the base period. May he receive one car of coal this year and, if so, when?

A. Under the regulation, the dealer is entitled to receive 80 per cent of one car of coal. Since the quota is to be shipped to the nearest carload lot, the shipper is permitted to ship a full car. He is permitted to make shipment of such car at any time but he is required to ship a full car whenever he is obligated under the regulation to ship 50 per cent or more of such carload quantity. In the case of a shipper in District 8, this is on or before November 30.

14. Q. In the event that a retail dealer does not desire to order the minimum tonnage to which he is entitled under § 602.703 (d) of the regulation, may the shipper postpone shipment of such tonnage to a later date?

A. Yes. If the shipper is willing to postpone shipment he may do so, but the minimum tonnage to which the dealer is entitled remains subject to the preference. If the shipper is not willing to postpone such shipment, the retail dealer must agree to accept the coal or he loses his preference with respect to such tonnage. Every agreement to postpone shipment of minimum tonnage must be in writing.

15. Q. During the base period a shipper furnished coal to a so-called line yard company having a large number of separate stations or retail yards. Is the shipper required this year to supply each yard with 80 per cent of the base period tonnage shipped to each such yard, or may he discharge his obligation under the regulation by furnishing to the line yard company 80 per cent of the total amount supplied during the base period to such company?

A. If the shipper furnished coal to each yard of the line company during the base period, it is his obligation this year to furnish 80 per cent of the base period tonnage to such yard. If the shipper furnished coal to a central point for distribution among

the individual yards, during the base period, he is required to furnish 80 per cent of the aggregate tonnage furnished to the company and advise the company that it is required to accord each individual yard its proportionate share under the regulation. Any deviation from the practice in effect during the base period should be made only with the permission of the Area Distribution Manager for the community or communities in which the yards are located.

16. Q. What are the obligations of a wholesaler who served retail dealers during the base period?

A. Under the regulation, a wholesaler is a shipper of coal and is, accordingly, under the same obligation to his retail dealer customers as a producer is to his retail dealer customers. Thus, with respect to shipments to retail dealers, the wholesaler must notify his dealers of anticipated preference shipments to them pursuant to § 602.703 (f); and he must observe the provisions relating to maximum and minimum shipments set forth in § 602.703 (d); and accord them the same preferential treatment which they would be accorded by a producer.

17. Q. What are the responsibilities of a producer whose coal is currently being shipped to retail dealers through a wholesaler?

A. The producer, as a shipper under the regulation, must furnish the wholesaler an amount of coal sufficient to enable the wholesaler in turn to fulfill his preference obligations to retail dealers supplied by him during the base period to the same extent that the producer is obligated to ship to his own retail dealer customers. Once the producer makes available the tonnage to which the wholesaler is entitled under the regulation, the producer has no responsibility to the retail dealers served by the wholesaler. The wholesaler then has the responsibility to distribute the coal to his retail dealers in accordance with the provisions of the regulation.

18. Q. Does the regulation require a wholesaler to furnish to a producer the names of the retail dealers regularly supplied by the wholesaler so that the producer may arrange to ship to the retail dealers directly?

A. No. The regulation does not require wholesalers to disclose to producers the names of their retail dealer customers.

19. Q. An honorably discharged war veteran of the United States armed forces formerly operated a retail coal yard which he closed at the time of his induction, prior to the base period established in § 602.703 (c). Having returned to civilian life, he desires to reopen the yard if he can obtain sufficient coal. How may this be done?

A. A war veteran in the circumstances described should file an application with the Solid Fuels Administration for War, Washington 25, D. C. setting forth the following facts: the name and location of the yard; the names of his former suppliers; and the amount, size and kind of coal received from each mine which supplied him during the last year he was in business. SFAW will then endeavor to establish a quota for such dealer and may, where appropriate, reduce the quotas of other dealers in the community to provide a quota for the war veteran without allocating to the community more than its fair share of coal.

20. Q. What are the obligations of an equipped retail dealer to accord a preference to peddlers supplied by him during the base period?

A. An equipped retail dealer who furnished preference sizes of coal to an unequipped retail dealer or peddler during the base period has the same obligation to furnish 80 per cent of the base period tonnage to retail dealers as any other shipper of coal. In the event that the equipped retail dealer does not have records of his actual shipments to

all peddlers during the base period, he may use the same method of computing his obligation to each peddler as that prescribed in § 602.703 (c) for producers supplying coal to truckers.

21. Q. During the early part of the 1944-1945 fuel year before SFAW Regulation No. 23 became effective, a retail dealer purchased on spot order substantial quantities of coal produced in Districts 7 and 8. Since this tonnage is not included in the base period tonnage of the dealer, will SFAW take any steps to enable the retail dealer to obtain all or part of the tonnage this year?

A. A retail dealer will not be authorized to receive more tonnage than that permitted under the regulation unless he can establish an actual coal shortage exists in the community. The procedure for filing requests for additional coal in those circumstances is set forth in the Note to § 602.718 of the regulation.

22. Q. This year many farmers who formerly used other fuels for the curing of leaf tobacco and the operation of poultry brooders and hatcheries will require prepared sizes of bituminous coal. Some retail dealers serving such customers will be unable to meet their requirements unless they obtain additional tonnage. How may this be done?

A. SFAW Order No. 23, issued April 1, 1945, establishes a procedure by which retail dealers may obtain additional tonnage for new users of bituminous coal for these purposes.

23. Q. It has been the practice in one community for the local Board of Education to rotate its coal business among the retail dealers in the community. In another community, a contract for the school business is let, pursuant to public bidding. May a retail dealer in either community who did not supply the schools during the base period obtain additional amounts of prepared sizes to serve the schools this year?

A. No. Retail dealers are permitted to receive only 80 percent of the coal (in preference sizes) received during the base period. A retail dealer who did not handle school business during the base period will be able to handle such business this year only by diverting coal from his regular customers. Accordingly, to maintain fair distribution and to assure a regular supply of coal to the schools, the same dealer who handled this business during the base period should supply the coal this year.

24. Q. During the base period a shipper furnished slack coal to a retail dealer. What is the shipper's obligation with respect to such coal this year?

A. The preference to retail dealers established by the regulation applies only to certain sizes of coal generally used by domestic consumers. Since slack coal is not listed as a preference size under § 602.703 (b), the shipper has no preference obligation to the dealer with respect to such coal. Consistent with the provisions of the regulation, shippers and retail dealers should make their own contractual arrangements with respect to coal in those sizes not under preference.

SHIPMENTS TO INDUSTRIAL CONSUMERS

25. Q. Is an industrial consumer accorded any preference under the regulation?

A. If an industrial consumer is using coal for a special purpose as defined in § 602.701 (b), he is entitled to a first preference from the shipper. If the industrial consumer is receiving coal via the Great Lakes, he is entitled to a third preference from the shipper. Otherwise, an industrial consumer is not accorded preferential treatment.

26. Q. An industrial consumer annually receives 8,000 tons of coal and has facilities for storing a twenty-five days' supply of coal. He receives his coal by truck from a retail dealer. Is he required to file orders and the

information specified in § 602.712 (a) of the regulation?

A. Yes. Receipts of coal by such an industrial consumer are subject to the provisions of the regulation, and § 602.712 (a) is applicable irrespective of the method of transportation employed.

27. Q. A shipper finds that he is unable to furnish an industrial consumer the entire tonnage which the consumer has ordered for shipment during a calendar month. Should the unfilled balance of the order be carried over to the next calendar month or should it be canceled?

A. That portion of the consumer's order which is not filled during any calendar month should be canceled. Under the stock limitation provisions of the regulation, the industrial consumer may be permitted to order additional coal for the following month if his days' supply has been reduced.

28. Q. A shipper has contracts to supply coal to the War Department, Navy Department (including the Marine Corps and Coast Guard), Veterans' Administration, Maritime Commission, Foreign Economic Administration (that part formerly Lend-Lease and Office of Economic Warfare), and the War Shipping Administration. Should these commitments be filled before the shipper fills orders entitled to preference under the regulation?

A. No. The shipper must fill or arrange to fill orders entitled to preference before filling orders not entitled to preference. Shipments to these government agencies are not accorded preferential treatment under the regulation.

SHIPMENTS TO DOMESTIC CONSUMERS

29. Q. A domestic consumer receives coal in carload lots. Is he required to file a consumer declaration?

A. Yes. Domestic consumers under the regulation must file with their suppliers consumer declarations in the form prescribed in SFAW Regulation No. 26. Hospitals, homes for the infirm, and certain Government agencies are exempt from this requirement.

30. Q. Where does a domestic consumer receiving coal under SFAW Regulation No. 27 obtain a consumer declaration?

A. The shipper has the responsibility of furnishing his domestic consumers with consumer declarations.

31. Q. Is a domestic consumer who receives more than 3,000 tons of coal by truck and who has storage facilities sufficient to store 25 days' supply of coal required to file orders and the information specified in § 602.712 (a)?

A. Yes. This is applicable to all domestic consumers subject to SFAW Regulation No. 27 irrespective of the method of transportation employed in supplying them with coal.

32. Q. How much coal is a domestic consumer permitted to receive during the 1945-1946 fuel year?

A. If a domestic consumer is located in any state east of the Mississippi River, in the District of Columbia, in the States of Iowa, Louisiana, Minnesota and North Dakota, that part of the State of South Dakota, east of the Missouri River, or in the City of St. Louis or in St. Louis County, he is permitted, until further notice, to receive 100 per cent of his consumption requirements of so-called "less scarce solid fuel" for the period April 1, 1945 to March 31, 1946. As is indicated in SFAW Regulation No. 26, "less scarce solid fuel" includes bituminous coal produced in Districts 5, 9-12, inclusive, and coal produced in Colorado, Montana, Utah and Wyoming, Kansas, Texas, Missouri, and the following counties in Oklahoma: Coal, Craig, Latimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa and Wagoner. If such domestic consumer uses any other bituminous coal, however, he is permitted to receive only 80 per cent of his

consumption requirements for such period and he must deduct from this amount any so-called "scarcer solid fuel" which he had on hand April 1, 1945 (since a domestic consumer subject to SFAW Regulation No. 27 necessarily consumes more than 25 tons of fuel per year).

33. Q. What further restrictions are there on the amount of bituminous coal which a domestic consumer may receive?

A. A domestic consumer located in the areas set forth in the answer to the previous question who consumes bituminous coal which is so-called "scarcer solid fuel," is prohibited from receiving during the period April 1, 1945 to August 31, 1945, more than 50 per cent of his consumption requirements for the present fuel year. This rule is different than that applicable to deliveries of bituminous coal by retail dealers to domestic consumers subject to SFAW Regulation No. 26. There is no such restriction on deliveries of less scarce solid fuel to domestic consumers.

34. Q. Certain consumers use coal for temperature or humidity control necessary in industrial or commercial operations. Among these are refrigeration plants, cold storage warehouses, creameries, breweries, chemical and research laboratories and greenhouses. How are such consumers to be classified under the regulation?

A. When these consumers use coal for temperature control (heating or cooling) or humidity control necessary for the preservation of products or materials as part of commercial or industrial operations, they are classified as industrial consumers under the regulation and are not subject to the 80 per cent restriction.

35. Q. Hospitals and homes for the infirm are exempted from the requirements of Regulation 26 except that they are prohibited from receiving more than their normal annual requirements during the fuel year. How are such domestic consumers treated under Regulation 27?

A. They are treated in the same way. Thus, a hospital receiving coal in carload lots is not required to file a consumer declaration and is not subject to the 50 per cent rule, but is permitted to receive only its requirements during the period April 1, 1945 to March 31, 1946.

36. Q. A consumer of scarcer coal uses part of the coal he receives all-rail to heat an office building and part of it for steam raising in industrial operations in a separate plant. How much coal may this consumer receive?

A. The consumer is a "domestic consumer" under § 602.701 (j) insofar as he uses coal to heat an office building, and he is an "industrial consumer" under § 602.701 (k) insofar as he uses coal in the separate plant. As is indicated in § 601.711, he must compute separately his monthly consumption requirements and his days' supply of coal received in each capacity. He may receive for use in his office building only 80 percent of his consumption requirements during the next coal year consistent with § 602.716, and he may receive for consumption at his plant 100 percent of his consumption requirements consistent with § 602.715.

37. Q. A railroad system uses part of the coal which it receives for heating a passenger terminal and the balance of its coal for locomotive fuel use. How much coal may such a railroad system receive?

A. The railroad system is a "domestic consumer" insofar as it uses coal to heat the passenger terminal, and is an "industrial consumer" insofar as it uses coal for locomotive fuel purposes. The obligation of consumers to compute separately their monthly consumption requirements and their days' supply of coal received in each such capacity is equally applicable to a railroad system. The railroad system is, accordingly, limited

in the same manner as the consumer described in the answer to the previous question.

38. Q. In § 602.716, it is stated that deliveries to domestic consumers shall be made consistent with the provisions of SFAW Regulation No. 26, "wherever practicable." What does this mean?

A. This section of SFAW Regulation No. 27 imposes an obligation upon the shipper of coal to domestic consumers to follow to the maximum extent practicable the same general pattern in making such shipments as that prescribed for deliveries by retail dealers under SFAW Regulation No. 26. Thus, where a shipper of scarcer coal has accepted a consumer declaration placed on or before May 15, 1945, the shipper should supply the domestic consumer with at least 30 percent of his requirements by September 30, 1945, if ordered. He may not ship more than 50 percent of the domestic consumer's requirements before August 31, 1945. However, SFAW Regulation No. 26 applies only to deliveries by truck. SFAW Regulation 27 applies primarily to rail and water deliveries and this difference necessarily requires some slight deviation from the strict application of the provisions of SFAW Regulation No. 26.

[F. R. Doc. 45-8830; Filed, May 24, 1945; 12:03 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

DUTY TO REQUEST NAME TO BE STRICKEN UPON ACCEPTING EMPLOYMENT WITH U. S.

MAY 21, 1945.

Paragraph (x) of § 10.2 is hereby amended to read as follows:

§ 10.2 Rules and regulations relating to practice. * * *

(x) *Duty to request name to be stricken upon accepting employment with the United States.* It shall be the duty of every enrolled person who becomes a judge of any court of record or an officer or employee (1) of the United States, (2) of any corporation owned wholly by the United States, (3) of the District of Columbia, or (4) of any State or subdivision thereof whose duties disclose facts or information applicable to Federal tax matters, to request the Committee on Practice to place his name on the inactive list of Treasury Department practitioners during the period of such incumbency. Any person who on becoming an officer or employee of the Treasury Department requested that his name be stricken from the roll and surrendered his enrollment card to the Committee for cancellation and whose employment with the Department has been or shall be terminated in good standing shall be entitled upon his written request to have his name restored to the roll and his enrollment card returned to him.

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

[F. R. Doc. 45-8753; Filed, May 24, 1945; 9:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 12]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE

Section 802.11 *Personal baggage* is hereby amended in the following particulars:

Subdivisions (ii) and (iii) of subparagraph (5) of paragraph (b) are hereby amended to read as follows:

(ii) Persons who have resided in the United States for at least one year immediately preceding departure to take permanent residence abroad may export a motor vehicle under this general license if the vehicle to be exported was acquired by the exporter not less than six months prior to the date of export, and is intended solely for the use of the exporter or his family.

(iii) Nonresidents who have brought motor vehicles into the United States may export such motor vehicles under this general license only to the country from which it entered the United States.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320.

Dated: May 18, 1945.

WALTER FREEDMAN,
Acting Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-8757; Filed, May 24, 1945; 10:53 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-789]

DIXFIELD QUALITY MARKET

Jack Eder, David Levitsky, and Samuel P. Leavitt, co-partners, doing business as Dixfield Quality Market, with offices at 1962 Southfield Road, Lincoln Park, Michigan, operate a general food market, and during October and November, 1944, without permission of the War Production Board, did construction of a building to be used as a store and market at 1970 Southfield Road, Lincoln Park, Michigan, at an estimated cost in excess of \$200, in violation of Conservation Order L-41. The partners were aware of

Conservation Order L-41, and their beginning and carrying on of this construction constituted wilful violation of that order.

These acts of violation have diverted critical materials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States of America. In view of the foregoing, it is hereby ordered, that:

§ 1010.789 *Suspension Order No. S-789.* (a) Jack Eder, David Levitsky, and Samuel P. Leavitt shall do no construction on the premises at 1970 Southfield Road, Lincoln Park, Michigan, including putting up, altering, or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Jack Eder, David Levitsky, and Samuel P. Leavitt 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.

(c) The restrictions and prohibitions contained herein shall apply to Jack Eder, David Levitsky, and Samuel P. Leavitt, doing business as Dixfield Quality Market, or otherwise, their successors or assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 23d day of May 1945.

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

[F. R. Doc. 45-8740; Filed, May 23, 1945; 4:47 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-795]

MELSON CLEANERS

Ida Sue Melson doing business as Melson Cleaners at 1312 Lapeer Street, Flint, Michigan, is engaged in the dry-cleaning business. During March, 1945, and thereafter, she did construction, without authorization from the War Production Board, of an addition to her dry-cleaning plant at the above address, at an estimated cost in excess of \$200, in violation of Conservation Order L-41. Ida Sue Melson was aware of the War Production Board restrictions on construction, and her beginning and carrying on of this construction constituted a violation of Order L-41.

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

§ 1010.795 *Suspension Order No. S-795.* (a) Ida Sue Melson shall do no construction on the premises at 1312 Lapeer Street, Flint, Michigan, including putting up, altering or finishing the structure, unless hereafter specifically author-

ized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Ida Sue Melson 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.

(c) The restrictions and prohibitions contained herein shall apply to Ida Sue Melson, doing business as Melson Cleaners, her successors or assigns, or persons acting on her behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 23d day of May 1945.

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

[F. R. Doc. 45-8742; Filed, May 23, 1945;
4:47 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-794]

THE HOLMQUIST-SWANSON CO.

The Holmquist-Swanson Company, a corporation with its principal place of business at 4536 Thomas Street, Chicago, Illinois, is engaged in the manufacture and sale of infants' nursery chairs and wooden play pens. During the four calendar quarters of 1944 the corporation used a containerboard content of 231,481 square feet and 21,304 pounds of new fibre shipping containers in excess of its authorized quota under the provisions of Limitation Order L-317, and in violation thereof. This violation has diverted critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.794 *Suspension Order No. S-794.* (a) The Holmquist-Swanson Company shall reduce its use of containerboard content of new fibre shipping containers during each of the second, third and fourth calendar quarters of 1945 and the first quarter of 1946, so that its total usage for each of such quarters shall be 57,870 square feet and 5,326 pounds less than it would otherwise be permitted to use during each of those quarters under the provisions of Limitation Order L-317.

(b) Nothing contained in this order shall be deemed to relieve The Holmquist-Swanson Company 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.

(c) The restrictions and prohibitions contained herein shall apply to The Holmquist-Swanson Company, its successors and assigns, or persons acting in its behalf. Prohibitions against the taking of any action include the taking in-

directly as well as directly of any such action.

Issued this 23d day of May 1945.

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

[F. R. Doc. 45-8741; Filed, May 23, 1945;
4:47 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-548, Revocation]

SKINNER & KENNEDY STATIONERY CO.

Suspension Order No. S-548 effective May 12, 1944, was issued against Skinner & Kennedy Stationery Company, 416 North Fourth Street, St. Louis, Missouri, a corporation engaged in the business of manufacturing calendars. An appeal was filed with the Chief Compliance Commissioner who, after reviewing the case, has directed that the suspension order be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.548 *Suspension Order No. S-548* be revoked.

Issued this 23d day of May 1945.

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

[F. R. Doc. 45-8739; Filed, May 23, 1945;
4:47 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-766, Revocation]

VAN DYKE INDUSTRIES

Suspension Order No. S-766, effective April 24, 1945, was issued April 17, 1945, against Van Dyke Industries, 2559 West 21st Street, Chicago, Illinois, for violation of General Limitation Order L-33. In view of the fact that General Limitation Order L-33 was revoked on May 19, 1945, the Chief Compliance Commissioner has directed that Suspension Order No. S-766 be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.766 *Suspension Order No. S-766* be revoked, effective May 23, 1945.

Issued this 23d day of May 1945.

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

[F. R. Doc. 45-8691; Filed, May 23, 1945;
11:28 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, as Amended May 9, 1945,
Amdt. 1]

PARTS AND MATERIALS FOR REPAIRMEN

Section 3175.9a CMP Regulation 9A is hereby amended as follows:

Add the following item to the list in paragraph (g-1) (2):

Internal combustion engines, except air-cooled.

Issued this 23d day of May 1945.

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

[F. R. Doc. 45-8738; Filed, May 23, 1945;
4:47 p. m.]

PART 3141—MILITARY ARMS

[Limitation Order L-230, Revocation]

Section 3141.1 *Limitation Order L-230* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The manufacture, use and delivery of military arms remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8768; Filed, May 24, 1945;
11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended Jan. 25, 1945,
Amdt. 2]

Section 3175.1 *CMP Regulation 1* is amended in the following respects:

1. Paragraph (o) (4) of CMP Regulation 1 is amended by striking the first two lines down to and including the word "exceeded" and inserting instead the following: "No manufacturer of Class B products who has received an authorized production schedule may exceed such schedule in any month or quarter, except".

2. Add the following phrase to the first sentence of paragraph (o) (4) "or where the material was obtained for another purpose and can no longer be used for that purpose."

3. Add the following new sentence at the end of paragraph (o) (4): "However, a deficiency not exceeding 10% of an authorized production schedule for a Class B product during the first calendar quarter of 1945 may be made up in the second calendar quarter of 1945 (if a production schedule is authorized by months, the amount authorized during each of the three months of the calendar quarter may be totalled for the purposes of this paragraph)."

4. Add the following new subdivision (v) in paragraph (t) (2):

(v) An order for aluminum bearing an AM number from AM-0001 through AM-9599 must be treated as an authorized controlled material order.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8763; Filed, May 24, 1945;
11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 15 as Amended May 24, 1945]

USE OF MRO SYMBOL AND RATING TO BUY INSTALLATION MATERIALS WHERE AUTHORIZATION TO CONSTRUCT IS NOT REQUIRED UNDER L-41

The following direction is issued pursuant to CMP Reg. 5:

(a) (1) Any person who has obtained machinery or equipment which he is permitted to install or relocate under Direction 2 to L-41 and who needs priorities assistance to get building materials to install or relocate the machinery or to make building alterations required in connection with the installation or relocation may use the MRO symbol and rating assigned to the business or the manufacture of the product for which he will use the machinery or equipment. This includes the MRO symbol and rating assigned by CMP Regulation 5, 5A, or a "P" or "U" order.

(2) Any person who has obtained machinery or equipment for use in a business which is not listed on Schedule A of CMP Regulation 5 or Schedules I and II of CMP Regulation 5A may use the MRO symbol and a preference rating of AA-3 to get up to \$500 worth of building materials (including controlled materials) needed to install or relocate any piece of machinery or equipment which Direction 2 to L-41 permits him to install or relocate without getting an authorization under that order and to make a building alteration allowed in connection with the installation or relocation.

(3) If construction as defined in L-41 is not involved in an installation, for example in installing an engine in a boat, a person may use the priorities assistance assigned to the business or product for which he will use the machinery or equipment by CMP Regulation 5, 5A, or any "P" or "U" order to get \$500.00 worth of materials required for such installation of any piece of machinery or equipment.

(b) Deleted Aug. 19, 1944.

(c) *MRO quota need not be charged.* A person buying installation materials under this direction need not charge the amount he spends for them against his MRO quota under paragraph (f) of the regulation.

(d) *Relation to minor capital addition provision of CMP Regulation No. 5.* The purchase of installation materials under this direction is not affected by the restrictions on purchases of minor capital additions under paragraph (b) (3) of CMP Regulation No. 5. This direction applies only in cases where machinery or equipment which is installed or relocated is acquired without using the MRO rating for a minor capital addition under paragraph (b) (3) of the regulation. Under this direction, it does not matter whether the machinery or equipment costs more than \$500. However, if machinery or equipment is acquired with the MRO rating under paragraph (b) (3) of the regulation, installation materials are considered part of the same capital addition, in which case the total must not exceed \$500 and the cost of the installation materials as well as cost of the machinery or equipment must be charged to the MRO quota.

(e) *Applications.* Where permission to install or relocate machinery is required by Order L-41, application for such permission should be made on the appropriate form indicated on Schedule C of Order L-41. Also, such form should be used in applying for priorities assistance to buy installation materials where they cannot be bought under this

direction, even if permission to install or relocate is not required by Order L-41.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8764; Filed, May 24, 1945; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 25 as Amended May 24, 1945]

MRO FOR CONVERSION TO NEW PRODUCTS

Direction 25 is amended to read as follows:

(a) *What this direction does.* This direction permits the use of MRO ratings assigned by CMP Regulation 5 to get maintenance, repair and operating supplies and jigs, dies and fixtures for reconversion where a person proposes to start manufacturing a product he is not now making.

(b) *Use of ratings and MRO symbol for maintenance, repair and operating supplies.* Any person who is planning to make any product may use the preference rating and MRO allotment symbol (if any) assigned to the manufacturer of that product under CMP Regulation 5 to get maintenance, repair and operating supplies and minor capital additions which he requires before actually beginning production of such product.

(c) *Jigs, dies, fixtures, special tooling and minor hand tools.* Any person who needs jigs, dies, fixtures, special tooling or minor hand tools for the manufacture of a product which he is not presently manufacturing may get them as follows:

(1) He may use the preference ratings assigned by CMP Regulation 5 to the product for which he is going to use the items to get the complete jigs, dies, fixtures, minor hand tools and special tooling.

(2) If he wants to make the items himself, or furnish material to another person to make special tooling for him (under Direction 35 to CMP Regulation 1) he may use the MRO allotment symbol to get the controlled materials (whether or not the product is listed on Schedule A of CMP Regulation 5) and may get the other materials by use of the preference rating assigned by CMP Regulation 5 to the production of the product for which he will use the jigs, dies, fixtures, special tooling, or minor hand tools.

(d) *MRO quotas.* Any purchases made under the provisions of this direction must be charged against the MRO quota provided in CMP Regulation 5. Persons who are setting up completely new businesses or plants after February 28, 1943, and who were not in business in 1942, are automatically entitled to a quota of \$5,000 per quarter, under the provisions of paragraph (f) (3) of CMP Regulation 5. This special quota does not apply when an established plant starts producing a new product since the quota restrictions (unlike the preference ratings assigned) are on a plant basis, and not a product basis. If an MRO quota is inadequate, an application for an increased quota may be made under paragraph (f) (8) of CMP Regulation 5.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8765; Filed, May 24, 1945; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9A, Revocation of Direction 4]

USE OF V-3 ALLOTMENT SYMBOL TO GET COPPER OR COPPER BASE ALLOY PIPE AND TUBING

Direction 4 to CMP Regulation 9A is hereby revoked.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8766; Filed, May 27, 1945; 11:21 a. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS; SIMPLIFICATION

[Schedule VII to Limitation Order L-272, Revocation]

INDUSTRIAL THERMOMETERS

Section 3207.8 *Schedule VII to Order L-272* is revoked. This revocation does not affect any liabilities incurred for violation of the schedule or of actions taken by the War Production Board under the schedule. The manufacture and delivery of industrial thermometers remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8770; Filed, May 24, 1945; 11:22 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-317, as Amended Apr. 30, 1945, Amdt. 1]

FIBRE SHIPPING CONTAINERS: MANUFACTURE, DELIVERY AND USE

Section 3270.6 *Limitation Order L-317* is amended in the following respects:

1. The last sentence of the headnote to Schedule III is amended to read as follows: "The products listed in Schedule III (as described under the applicable code number in "Products and Priorities" or as described below) are all subject to the quota restrictions set forth in paragraph (g), even when they are sold as repair parts or as component parts for other products. However, a repair part or component part of a product listed in Schedule III is not subject to such quota, unless such part is specifically included in the description of that product or in another listed class of products. A component part that is not specifically included within the description of a product listed in Schedule III is subject to the quota restrictions of paragraph (g) when it is merely packed separately by a packer who also packs, as part of the same transaction, substantially the balance of the component parts that make up the product listed in Schedule III".

2. The term "Animal proprietary drug remedies" found as one of the classes of products under Schedule III of Order L-317 is amended to read as follows: "Animal proprietary drug remedies (excluding biologicals)".

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8771; Filed, May 24, 1945;
11:22 a. m.]

PART 3288—PLUMBING AND HEATING
EQUIPMENT

[Limitation Order L-248 as Amended May 24,
1945]

COMMERCIAL DISHWASHERS

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

§ 3288.61 *Limitation Order L-248—*

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

(1) "Commercial dishwasher" means any new mechanical device designed for washing dishes, cutlery, glassware or kitchen utensils in establishments where food is prepared for consumption or sale on the premises. The term does not include dishwashers designed for domestic use.

(2) "Ultimate consumer" means any person who uses a commercial dishwasher for washing dishes, cutlery, glassware and kitchen utensils.

(3) [Deleted June 7, 1944]

(4) [Deleted June 7, 1944]

(5) [Deleted May 24, 1945]

(c) [Deleted May 24, 1945]

(c) *Restrictions on delivery.* No manufacturer, distributor, or dealer may deliver or accept delivery of new commercial dishwashers except as follows: (1) To fill orders of or for ultimate delivery to the Army,¹ Navy, Maritime Commission, Veterans Administration, or War Shipping Administration, or to any agency of the United States Government placing orders for equipment to be delivered to, or for the account of, any other country under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or to fill orders authorized by the Maritime Commission on Form WPB-646.

(2) For approved installation in a building or project authorized by any order of the P-19 series on Form CMPL-224 or Form GA-1456, or in the P-55 series on Form WPB-2896.

¹ Under Interpretation 1 to a preceding version of this order, material for Army Pre-Flight training schools, to be owned privately and not by the Army, could not be delivered without War Production Board approval. This is still true.

(3) As approved by the War Production Board on Form WPB-1319. The ultimate consumer should apply to the Plumbing and Heating Division, War Production Board, Washington 25, D. C., on this form, describing the equipment to be delivered. The War Production Board will return a copy to him with its approval or denial of the application indicated. If approval is granted, the ultimate consumer may certify by endorsement on his purchase order in the standard form prescribed in Priorities Regulation 7, adding the serial number of authorization on Form WPB-1319 he has received, or, if he prefers, he may certify as follows:

The War Production Board has authorized me to accept delivery on this order, under the terms of Order L-248 with which I am familiar. Delivery approved on form WPB-1319, serial number _____

(Consumer)

A dealer or distributor receiving an order so certified may obtain delivery of equipment to fill the order if he endorses a similar certificate unless he knows or has reason to believe it to be false. A dealer or distributor who wants to buy for inventory must also apply on Form WPB-1319, filed with the Plumbing and Heating Division, War Production Board, Washington 25, D. C., indicating the manufacturer of the product he wishes to buy. If his application is approved, the procedure to be followed is the same as set forth above with respect to consumers' applications except that he may buy only the product of the manufacturer indicated.

(4) [Deleted Dec. 29, 1944]

(5) A dealer or distributor may make delivery to another dealer or distributor or to a manufacturer.

(d) *Delivery of repair and replacement parts.* Nothing in this order shall prevent the delivery of repair or replacement parts for commercial dishwashers.

(e) [Deleted May 24, 1945]

(f) [Deleted May 24, 1945]

(g) *Reports.* Every manufacturer of commercial dishwashers shall execute and file with the War Production Board on or before the 10th day of each calendar quarter a report on Form WPB-1509 which may be obtained from the nearest Field Office of the War Production Board. The Bureau of the Budget has approved the reporting requirements of this Order in accordance with the Federal Reports Act of 1942.

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

(i) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits the production or delivery of commercial dishwashers to a greater extent than the limits imposed by this order, the restrictions in such other

order shall govern unless otherwise specified therein.

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

(k) *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 the War Production Board, Plumbing and Heating Division, Washington (25), D. C., Ref: L-248.

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

(m) [Deleted Aug. 29, 1944.]

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8769; Filed, May 24, 1945;
11:21 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Conservation Order M-317, Direction 15]

PRIORITIES ASSISTANCE FOR COTTON KNITTING YARN FOR TOE SPLICING IN WOMEN'S FULL-FASHIONED RAYON HOSIERY AND FOR TOE AND HEEL SPLICING IN WOMEN'S SEAMLESS CIRCULAR KNIT RAYON HOSIERY—JUNE AND JULY 1945

The following direction is issued pursuant to Conservation Order M-317:

Manufacturers of women's full fashioned rayon hosiery and women's seamless circular knit rayon hosiery may apply on Form WPB-2842 for priorities assistance to obtain combed cotton knitting yarn (natural or mercerized) ply or single 35's and finer to be used for toe splicing in women's full fashioned rayon hosiery and for toe and heel splicing in women's seamless circular knit hosiery as required by the provisions of Limitation Order L-274. In section I of Form WPB-2842 the columns dealing with inventories and consumption are to be omitted. The application must be accompanied by a written statement giving the following information: (1) Quantity of non-rated cotton yarn by pounds of each count, which will be available for production of women's full fashioned rayon hosiery and women's seamless circular knit rayon hosiery in June and July, 1945; (2) Production in dozens during the first quarter of 1945; and (3) Anticipated production in dozens during June and July, 1945. Priorities assistance may be denied unless the forms are properly filled out. Applications must be filed with the War Production Board,

Textile, Clothing and Leather Bureau, Washington 25, D. C., not later than June 5, 1945. Materials for which priorities assistance is given must be purchased for delivery not later than July 15, 1945, and must be consumed in the production of women's full fashioned rayon hosiery and women's seamless circular knit rayon hosiery, prior to July 31, 1945.

Priorities assistance will be granted pursuant to paragraph (k) of Order M-317. The total amount of materials for which priorities assistance will be granted is limited. If the amounts for which priorities assistance is requested exceed the amount of the material allotted for this purpose, the applications will be granted on the following basis: Authorizations will be pro rata to the first quarter of 1945 production, less the amount of unrated yarn available to each applicant. In no case will the authorizations exceed the amount needed for the anticipated production in June and July, 1945, taking into account the unrated material available for that production.

This direction shall expire on July 31, 1945, unless previously extended.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8772; Filed, May 24, 1945;
11:22 a. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[General Preference Order M-388, Direction 3]

FIXING PERCENTAGE OF MANUFACTURER'S
RATED QUOTA FOR DELIVERY IN THE THIRD
QUARTER OF 1945

The following direction is issued pursuant to Conservation Order M-388:

As explained in paragraph (d) (2) of General Preference Order M-388, suppliers may not deliver, and manufacturers may not accept delivery, on M-388 ratings in any quota period in excess of the percentage of the manufacturers' rated quota then in effect for that period.

The percentage for deliveries in the third quarter of 1945 is fixed until further notice, as follows:

| | Third quarter 1945 Percent |
|-------------------------------|----------------------------------|
| Cotton Textiles..... | 50 |
| Synthetic Fibre Textiles..... | 75 |
| Wool Textiles..... | 50 |

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8773; Filed, May 24, 1945;
11:22 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[L-140-b, Revocation]

FLATWARE AND HOLLOW WARE

Section 3291.176 *General Limitation Order L-140-b* and all authorizations issued under it are revoked. Manufacturers may now produce and deliver flatware and hollow ware without regard to the provisions of Order L-140-b, any authorizations under it on Form WPB-2719 or otherwise, or any grant of appeal or

authorization relaxing its restrictions. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the War Production Board under the order. The manufacturer and delivery of flatware and hollow ware remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 24th day of May 1945.

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

[F. R. Doc. 45-8767; Filed, May 24, 1945;
11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1404—RATIONING OF FOOTWEAR

[RO 17; Amdt. 97]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 1.5 (a) is amended by adding the following: "A separate application shall be made for each applicant except that one application may be made by an agent for any or all eligible consumers who are confined in a state or federal institution or any institution of involuntary confinement within the United States. Such a multiple application may be filed with the District Office and need not be on any prescribed form, but shall contain all information needed to establish the eligibility of each applicant."

2. Section 1.7 (e) is added to read as follows:

(e) *American National Red Cross may get special shoe stamps.* (1) The National Office of the American Red Cross may make application to, and upon approval obtain from, the National Office of the Office of Price Administration, the number of special shoe stamps necessary to allow it to issue the necessary number of shoe stamps to its employees assigned to overseas service during a two-month period. The National Red Cross shall apply in writing and shall furnish information necessary to show the number of stamps required during the two-month period.

(2) The American National Red Cross shall appoint some person to issue the stamps to its employees who are given overseas assignments. When a stamp is issued to a Red Cross employee by such person, he shall write on it the number of the employee's War Ration Book Three or if the employee does not have a War Ration Book Three, he shall write on it the words, "No Book." A stamp may be issued only to an employee who

¹ 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2629, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340, 8931, 9355, 9901, 10589, 10984, 10985, 11638, 11763, 12039, 12271, 12612, 13134, 13067, 13992, 14017, 14496; 10 F.R. 521, 1102, 1649, 1759, 2014, 2757, 3014.

has been given an overseas assignment, who has filled out an application under Sec. 1.5 and who meets the need requirements of Sec. 1.5. These individual applications shall be filed by the National Red Cross with the National Office of the Office of Price Administration when it makes its next application under this section. Application may be made by the American National Red Cross before it has exhausted its supply of stamps but it must state in its application the number of stamps it has on hand and the number of individual applications it is forwarding.

3. Section 1.10 (a) is amended to read as follows:

(a) Any consumer may return new shoes (including infants' shoes in sizes 0-4 returned after May 1, 1945) to the establishment from which he got them and with the latter's consent may get another pair in exchange or may get back a special shoe stamp if the establishment accepts the shoes returned and also refunds the full purchase price. New shoes (other than infants' shoes in sizes 0-4) which were non-rationed when transferred but which have been given a ration status since the time of purchase may be returned to the establishment from which they were purchased but may not be accepted on their return in exchange for rationed shoes without the surrender of ration currency. Neither may an establishment give a special shoe stamp on the return of shoes (other than infants' shoes in sizes 0-4) non-rationed when transferred, but which have a rationed status at the time of their return.

4. Section 2.11 (a) (23) is added to read as follows:

(23) Kits containing partially assembled or unassembled pieces of leather for the construction of footwear, shipped from a factory in the United States before June 16, 1945.

5. Section 2.13 (b) (9) (ii) is amended to read as follows:

(ii) In case non-rationed shoes are given a rationed status by order of the Office of Price Administration, a list of the type and number of pairs given a rationed status, which the establishment had in inventory or in transit to it, or in storage for it at a place other than an establishment, at the time of the change in rationed status and the number of pairs of such shoes (other than infants' shoes in sizes 0-4) transferred as non-rationed and returned to the establishment under section 1.10, after the shoes have been given a rationed status.

6. Section 2.14 (c) is amended by adding the following:

He shall also show as an addition to his closing inventory, the number of pairs of shoes (other than infants' shoes in sizes 0-4) transferred as non-rationed and returned to him by a consumer during the reported period under section 1.10, after the shoes have been given a rationed status.

7. The definition of "shoes" in section 3.13 is amended to read as follows:

"Shoes" means any footwear made in whole or in part of leather, or kits containing partially assembled or unas-

sembled pieces of leather for the construction of shoes.

This amendment shall become effective May 28, 1945.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8792; Filed, May 24, 1945;
11:37 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 108, Amdt. 1]

MANUFACTURERS' MAXIMUM AVERAGE PRICES FOR CERTAIN ITEMS OF APPAREL AND AP- PAREL ACCESSORIES

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

Supplementary Order 108 is amended in the following respects:

1. Section 1 (b) is amended by adding a sentence to the end thereof to read as follows: "However, items fabricated outside continental United States from principal materials which were purchased by the manufacturer from a foreign seller whose place of business is located outside the continental United States are not covered by this order."

2. Section 1 (c) (2) is amended by adding subdivision (iii) to read as follows:

(iii) For purposes of this order, "principal materials" shall include completed or partially completed commodities or items on which further processing or trimming is performed before you deliver it.

3. Section 2 is amended by amending the first undesignated paragraph thereof to read as follows:

If you delivered any item in a particular category at any time between January 1, 1943 and December 31, 1944, you must find your base periods for that category in one of the three ways described below. Your deliveries of items in each category during your base periods determine your maximum average prices under this order. However, if during one of the periods listed below, your deliveries of items in a particular category consisted solely of samples or special orders, you may not select that period as a base period, but must find the first applicable period in which you made deliveries of that category in the regular course of trade. For purposes of this order, a "sample" is an item which you produced only for the purpose of displaying your proposed line and in insufficient quantity to fill orders for your regular trade; a "special order" is an item which you produced in response to a specific request from the purchaser, which was not generally offered for sale to your regular

trade and the total production of which was delivered in a single shipment.

If you made no deliveries at all of items in a particular category in the regular course of trade at any time between January 1, 1943 and December 31, 1944, you have no base periods for that category and must follow the instructions in section 9 to obtain an authorized maximum average price for that category.

4. Section 19 is amended by adding paragraph (m) to read as follows:

(m) Maximum Import Price Regulation.²

5. Section 21 is amended by amending the title of Appendix A, Group VII to read as follows:

Group VII. *Legging sets:*

6. Section 21 is amended by amending the title Appendix A, Group XV to read as follows:

Group XV. *Water repellent and water-proof raincoats and raincapas:*

7. Section 21 is amended by amending Appendix C, Group XII to read as follows:

Group XII. *Finished hosiery, except hosiery covered by MPR 95, MPR 274 and 2nd RMPR 339:*

Boys' hosiery is included in children's hosiery in categories C-31 to C-36

Categories

- C-25 Full fashioned: Women's and Misses' full length and knee length—Wool.
- C-26 Full fashioned: Women's and Misses' full length and knee length—All other yarns and mixtures.
- C-27 Seamless: Women's and Misses' full length and knee length—Wool.
- C-28 Seamless: Women's and Misses' full length and knee length—All other yarns and mixtures.
- C-29 Anklets: Women's and Misses' normally sized 8½ and over—Wool.
- C-30 Anklets: Women's and Misses' normally sized 8½ and over—All other yarns and mixtures.
- C-31 Anklets: Children's and Infants'—All yarns and mixtures.
- C-32 Golf hose, ¾ and ⅝: Children's and Infants'—Wool.
- C-33 Golf hose, ¾ and ⅝: Children's and Infants'—All other yarns and mixtures.
- C-34 Boys' socks—All yarns and mixtures.
- C-35 Children's and Infants': All other types—Wool.
- C-36 Children's and Infants': All other types—All other yarns and mixtures.
- C-37 Women's and Misses': All other types—Wool.
- C-38 Women's and Misses': All other types—All other yarns and mixtures.

8. Section 21 is amended by adding Group XIII to Appendix C, to read as follows:

Group XIII. *Hosiery in the greige, except hosiery covered by MPR 95, MPR 274 and 2nd RMPR 339:*

Boys' hosiery in the greige is included in children's hosiery in categories C-45 to C-50

Categories

- C-39 Full fashioned: Women's and Misses' full length and knee length—Wool.
- C-40 Full fashioned: Women's and Misses' full length and knee length—All other yarns and mixtures.
- C-41 Seamless: Women's and Misses' full length and knee length—Wool.
- C-42 Seamless: Women's and Misses' full length and knee length—All other yarns and mixtures.

Categories

- C-43 Anklets: Women's and Misses' normally sized 8½ and over—Wool.
- C-44 Anklets: Women's and Misses' normally sized 8½ and over—All other yarns and mixtures.
- C-45 Anklets: Children's and Infants'—All yarns and mixtures.
- C-46 Golf hose, ¾ and ⅝: Children's and Infants'—Wool.
- C-47 Golf hose, ¾ and ⅝: Children's and Infants'—All other yarns and mixtures.
- C-48 Boys' socks—All yarns and mixtures.
- C-49 Children's and Infants': All other types—Wool.
- C-50 Children's and Infants': All other types—All other yarns and mixtures.
- C-51 Women's and Misses': All other types—Wool.
- C-52 Women's and Misses': All other types—All other yarns and mixtures.

9. Section 21 is amended by adding Groups XV and XVI to Appendix D to read as follows:

Group XV. *Outer shirts and blouses:*

Category

D-25 All fabrics.

Group XVI. *Separate leggings:*

Category

D-26 All fabrics.

10. Section 21 is amended by amending Category E-126 in Appendix E, Group XXII to read as follows:

E-126 Coats, smocks and aprons: Men's and Women's: All sizes—All fabrics.

11. Section 21 is amended by amending Category E-127 in Appendix E, Group XXII to read as follows:

E-127 Jackets, vests, shirts and blouses: Men's and Women's: All sizes—All fabrics.

12. Section 21 is amended by adding Group XXIII, to Appendix E to read as follows:

Group XXIII. *Overalls and coveralls:*

Categories

- E-132 Men's—Cotton.
- E-133 Men's—All other fabrics.
- E-134 Boys—Cotton.
- E-135 Boys—All other fabrics.

13. Section 21 is amended by amending the title of Appendix F, Group VII to read as follows:

Group VII. *Men's finished hosiery:*

14. Section 21 is amended by adding Groups IX and X to Appendix F, to read as follows:

Group IX. *Sets and combinations:*

Combinations of two or more items (sold at a unit price) at least one of which is included in this Appendix.

Categories

- F-27 Tie and handkerchief sets: All sizes—All fabrics.
- F-28 Gloves and muffler sets: All sizes—All fabrics.
- F-29 All other sets: All sizes—All fabrics.
- Group X. *Men's hosiery in the greige:*
Boys' hosiery in the greige is not included in this Group. It is listed in Appendix C, Group XIII.
- F-30 Full fashioned—All yarns and mixtures.
- F-31 Seamless: half hose—Wool.
- F-32 Seamless: half hose—All other yarns and mixtures.
- F-33 Seamless: slacks, crew socks and athletic socks—Wool.

¹ 10 F.R. 4366.

² 8 F.R. 11681, 12237; 9 F.R. 2350, 7504, 8062.

Categories

- F-34 Seamless: slacks, crew socks and athletic socks—All other yarns and mixtures.
 F-35 Work socks (bundle socks)—Wool.
 F-36 Work socks (bundle socks)—Cotton.

This amendment shall become effective May 23, 1945.

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.

Issued this 23d day of May 1945.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 45-8745; Filed, May 23, 1945;
 4:44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2,¹ Rev. Supp. 2]

OATS

Supplement No. 2,² as amended, to Food Products Regulation No. 2 is redesignated as Revised Supplement No. 2 and is revised and amended to read as set forth herein.

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

Sec.

1. Applicability.
2. Sales at other than maximum prices.
3. Evasion.
4. Applicability of provisions of Food Products Regulation No. 2.
5. Definitions and explanation of the supplement.
6. Base prices.
7. Maximum prices for sales by producers.
8. Maximum prices for sales by trucker-merchants.
9. Maximum prices for sales by country shippers.
10. Maximum prices for sales by merchandisers.
11. Maximum prices for purchases and sales by importers.
12. Limitations on total markups of country shippers and merchandisers and on service charges of commission merchants and brokers which may be included in a maximum price.
13. Rules relating to additions to the maximum price.
14. Separate invoicing of charges, markups, and costs.

Appendix A: Table I (a)—Schedule of premiums and discounts over or under standard grade and quality.

Table I (b)—Method of adjusting prices for grade and quality.

Table II—Description of "Area A".

Table III—Base prices at barge loading points.

Table IV—List of state and county base prices in "Area B".

AUTHORITY: § 1351.392 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

Explanation of the relation of this supplement to Food Products Regulation No. 2. Not all of the provisions affecting the maximum prices for sales of oats are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No.

2, and they are just as much a part of this supplement as if they were printed here.

The particular sections of Food Products Regulation No. 2 which are applicable to this supplement are listed at appropriate places in the provisions which follow. When any applicable section of this regulation is amended, the amendment also is applicable to this supplement.

SECTION 1. *Applicability.* Except for those sales exempted by paragraph (a) of this section, this supplement shall apply to all sales of imported and domestic oats, to all deliveries of such oats, whether immediate or future, and to all purchases in the course of trade or business of Canadian oats to be imported into the United States.

(a) *Exempt sales.*—(1) *Sales by retailers.* This supplement shall not apply to sales by retailers as defined herein. Supplement No. 1³ to Food Products Regulation No. 2 shall apply to such sales.

(2) *Export sales.* The maximum price for export sales shall be determined in accordance with the provisions of the 2d Revised Maximum Export Price Regulation, as amended.⁴

(3) *Emergency purchases.* Section 1.2 (a) of Food Products Regulation No. 2, dealing with the exemption of emergency purchases, is applicable to this supplement.

(4) *Seed oats.* This supplement shall not apply to sales of oats which the buyer intends to use for seed for planting or to resell for ultimate use as seed for planting. Section 2.7 of Food Products Regulation No. 2, dealing with special rules for such sales, is applicable to this supplement.

(5) *Prior contracts.* This revised supplement shall not apply to deliveries made pursuant to contracts for oats entered into before the date of issuance of this revised supplement, if such contracts complied with the provisions of Supplement 2 to Food Products Regulation No. 2, issued July 21, 1944.

SEC. 2. *Sales at other than maximum price.* Regardless of any contract or obligation, no person shall sell or deliver, and no person shall in the course of trade or business buy or receive, any oats covered by this supplement at a price above the maximum price established by this supplement, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing: *Provided, however,* That certain agreements to raise prices are permissible, as provided for in paragraph (a) of this section.

(a) *Adjustable pricing.* Section 1.2 (b) of Food Products Regulation No. 2, dealing with adjustable pricing, is applicable to this supplement.

(b) Prices lower than the maximum prices established by this supplement may, of course, be charged or paid.

SEC. 3. *Evasion.* The price limitations, set forth in this supplement, shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery,

purchase, or receipt of, or relating to, oats, alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by any other means.

SEC. 4. (a) *Applicability of provisions of Food Products Regulation No. 2.* All provisions of Food Products Regulation No. 2 are applicable to and made a part of this supplement. The sections of Article I not heretofore referred to, and the sections of Articles II, III, IV, and V, with an indication of their subject matter, follows:

ARTICLE I

- Section 1.2 (c) Documents, records and reports.
 Section 1.2 (d) Licensing.
 Section 1.2 (e) Enforcement.
 Section 1.2 (f) Protests and petitions for amendment.

ARTICLE II

- Section 2.1 Rules relating to delivery.
 Section 2.2 Rules relating to commingling.
 Section 2.3 General rules for determining the prices applicable to a withdrawal from a place of business. (This includes both provisions for averaging and for selling without averaging.)
 Section 2.5 Rules providing markups for persons performing several marketing functions—the so-called "integrated business" rule.
 Section 2.6 Pricing grains handled by processors when used in processing.
 Section 2.7 Rules respecting sales of grain exempted, or for which a premium may be paid on basis of ultimate use.

ARTICLE III

- Section 3.1 Definitions.

ARTICLE IV

- Section 4.1 Base price of mixed grain.
 Section 4.2 Maximum prices for sales of mixed grain.
 Section 4.3 Applicability of this article.

ARTICLE V

- Section 5.1 Sales on contract futures markets.

SEC. 5. *Definitions and explanation of the supplement.*—(a) *Definitions appearing in Food Products Regulation No. 2.* The following definitions appear in Food Products Regulation No. 2. Since they are applicable to all the provisions of this supplement, they are set forth here for your convenience:

(1) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

(2) "Bushel", as a unit of measurement means 32 pounds of oats.

(3) The terms "oats" and "mixed grain" means such grains as defined in the Official Grains Standards of the United States.

(4) "Grain" includes the grains and mixed grain described in section 3.1 of Food Products Regulation No. 2.

¹ 9 F.R. 8309.

² 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273.

³ 9 F.R. 8304.

⁴ 9 F.R. 8311, 10871, 11003, 13056, 13134.

(5) "Feeder" means, with respect to any lot of grain, a person who uses such grain for feeding to animals or poultry.

(6) "His supplier" or "your supplier" means, as to any seller, the person from whom he or you purchased the grain involved.

(7) "His customer" or "your customer" means, as to any seller, the person to whom he or you sell the lot of grain involved.

(8) "Processor" means any person who converts grain into a product other than grain or mixed grain.

(9) "Carload quantity" means any lot of oats of 60,000 pounds or more not delivered by or into a truck, or any lot of oats of 30,000 pounds or more when shipped by rail in such a manner as to take a carload rate under tariff requirements, and includes mixed cars and pool cars.

(10) "Less than carload lot" or "less than carload quantity" means a lot of oats less than a carload quantity. It includes any delivery by or into a truck.

(b) *Additional definitions.* When used in this supplement, the following terms shall have the following meanings:

(1) "Test weight per bushel" means that factor in determining the grade of oats under the method prescribed in the Official Grain Standards of the United States.

(2) "Racehorse oats" means oats grading No. 2 oats or better, with a test weight of 38 pounds per bushel or better, which have been carefully sized and recleaned to contain less than one percent foreign material and to remove all string, metal, and foreign substance, and which the buyer intends to use for feeding to thoroughbred horses or to resell for ultimate use for such purpose.

(3) "United States", when it refers to an area, means the 48 states and the District of Columbia.

"Area A" means the surplus producing areas of oats in the United States, as described in Table II of Appendix A.

"Area B" means all parts of the United States not included in "Area A."

(4) "Your transportation cost" means:

(i) If you employ a common carrier, contract carrier, or other carrier for hire or compensation, the charge which you actually incur for the transportation service; or

(ii) If you do your own hauling by truck or other vehicle, the hauling allowance at the scale set forth in definition (5); or

(iii) If you transport the lot by barge or vessel owned, leased, or chartered and operated by you, the going rate for the same movement, if there is such a going rate, or if there is no going rate for the same movement, then the going rate for the most similar movement not to exceed the reasonable value of the service; or

(iv) When any movement involves a combination of more than one of the types of transportation included in (i), (ii), and (iii), the transportation cost for the movement of each type shall be computed separately and the results added.

(v) If any part of the movement is by barge or vessel, you may add customary vessel brokerage, cargo insurance and outturn insurance or allowance on

such lot, to the extent not included in the cost computed under (i) or (iii) above.

(5) "Hauling allowance" means the following scale of charges:

If the total haul does not exceed 100 miles—3 cents per 100 pounds for the first five miles or fraction thereof plus 1 cent per 100 pounds for each additional five miles or fraction thereof;

If the haul exceeds 100 miles, the lowest carload rail rate from the rail point nearest the point of origin to the rail point nearest the point of destination plus 8 cents per 100 pounds, but not to exceed 22 cents per 100 pounds plus ¼ cent per 100 pounds for each five miles or fraction thereof over 100 miles.

In applying the above mileage scale all trucking distances shall be determined via the shortest route between point of origin and point of destination reasonably suitable for truck movement.

(6) "Producer" means, with respect to any lot of oats, grown in the United States, either:

(i) The person who grew or harvested such lot of oats; or

(ii) A landlord who received such lot of oats as or in lieu of rent for the farm where grown; or

(iii) Any person who delivers the oats to his customer at the farm where grown at or roadside near such farm. The result of this is that if you do not deliver the oats to your customer off the farm where grown you do not secure a higher price than the person who grew them would have received.

(7) "Country shipper" means, with respect to any lot of oats, a person who purchases and receives the oats from a producer, in any quantity, at any point other than a terminal base point, before any movement by rail or barge, and who (i) delivers them to his customer at a point which is neither on the farm where grown, nor at roadside near such farm, and (ii) delivers them in any manner other than as a trucker merchant, or as a retailer.

NOTE: If you purchase and receive the oats from a producer at a terminal base point, on your resale, thereof, you must determine your maximum price as a merchandiser, or as a retailer, as the case may be, following the rules in section 10 of this supplement, or the rules in Supplement 1 to Food Products Regulation No. 2.

(8) "Trucker-merchant" means, with respect to any lot of oats, a person who purchases such oats for resale and, without loading them into a barge or railroad car or unloading them into an elevator or warehouse for his own account and use, transports and delivers the same to his customer in a truck or other vehicle owned or leased, and operated by him.

(9) "Merchandiser" means, with respect to any lot of oats owned by him, a seller, other than a retailer for whom a maximum price is not otherwise provided in this supplement. In other words he is a person who merchandises the oats other than as a producer, country shipper, trucker-merchant, importer, or retailer.

(10) "Retailer" means, with respect to any less than carload lot of oats, a person who sells and delivers such lot of oats to a feeder from his "store."

(11) "Store" means a building, or a separate unit in a building, where the business of buying, selling and delivering oats at retail is carried on or where a general business, of which such retail grain business is a part, is conducted. In order to maintain its status as a "store", such business shall carry a stock of oats for sale at retail, and in addition, it may carry other stocks of merchandise.

(12) "Broker" means, with respect to any lot of oats, a person who, acting for the account of either seller or buyer or both, negotiates a sale or purchase of such oats for either seller or buyer or both other than as a commission merchant or as an employee of either seller or buyer. No person can be a broker as to oats owned by him.

(13) "Commission merchant" means, with respect to any lot of oats, a person who receives a carload quantity on behalf of another person who is the owner thereof and negotiates or has negotiated a sale of such oats in his own name to a person other than himself (except as provided in (i) below) on a legally constituted grain exchange in any of the following cities:

| | |
|--------------------|-----------------------|
| Baltimore, Md. | Memphis, Tenn. |
| Boston, Mass. | Milwaukee, Wis. |
| Buffalo, N. Y. | Minneapolis, Minn. |
| Chicago, Ill. | New York, N. Y. |
| Cincinnati, O. | Nebraska City, Neb. |
| Dallas, Tex. | Omaha, Neb. |
| Denver, Col. | Peoria, Ill. |
| Des Moines, Ia. | Philadelphia, Pa. |
| Duluth, Minn. | St. Joseph, Mo. |
| Enid, Okla. | St. Louis, Mo. |
| Ft. Worth, Tex. | Salina, Kan. |
| Hutchinson, Kan. | San Francisco, Calif. |
| Indianapolis, Ind. | Sioux City, Ia. |
| Kansas City, Mo. | Toledo, O. |
| Louisville, Ky | Wichita, Kan. |

(i) The requirement that the sale must be to a person other than the commission merchant will be waived if at all times from January 1, 1943, to and including the time of such sale such purchase has been permissible under the rules of the exchange or under the law of the State in which the exchange is located.

Regardless of any of the provisions of this supplement, division of commission charges may be made with and paid to exchange members in accordance with rules of the respective exchanges which were in effect January 1, 1943, and sellers of oats who are members may receive such divisions.

(14) "Terminal base point" means any city listed in Section 6, and includes all points within the corporate or reciprocal switching limits of such city.

(15) "Interior point" means any point other than a terminal base point, except that with respect to any particular lot of oats it does not include the farm where such oats were grown.

(16) "Interior rail point" means any point other than a terminal base point having facilities for the loading of railroad freight cars and from which railroad freight rates are published as provided by law.

(17) "Barge loading point" means the barge loading facility or facilities at the point specified or described as barge loading points in Table III of Appendix A.

(18) "Nearest", as used in sections 6 (a) (3) and 6 (a) (6), means the shortest

distance by a route suitable for truck movement.

(19) "Base price" means the price per bushel, with adjustments for grade and quality, as provided in section 6. These base prices shall not be used independently as maximum prices nor shall they be used in any other method than is specifically provided in the maximum pricing provisions (sections 7 to 11, inclusive).

(c) *General explanation of the pricing provisions in this supplement.* This supplement provides a maximum price for every kind of seller and for every kind of sale not exempted under other provisions of this supplement. You may not always be the same type of seller on different lots of oats that you sell, and you must consult the definitions to learn the type of seller you are in connection with any particular sale. In order that pricing provisions should be fair to every kind of handler, it has been necessary to define types of sellers more closely by reference to the functions they perform in each transaction rather than by popular terminology used by the trade. You must, therefore, be careful to study the definitions in connection with the particular sale you want to price. After you have decided the type of seller you are on a particular sale, you look in the following sections for your maximum price.

If you are a producer, see section 7.

If you are a trucker-merchant, see section 8.

If you are a country shipper, see section 9.

If you are a merchandiser, see section 10.

If you are an importer, see section 11.

If you are a retailer, you will find your maximum price in Supplement No. 1 to Food Products Regulation No. 2.

If you are selling mixed grain, the method of arriving at your maximum price is provided in Article IV of Food Products Regulation No. 2.

In some cases, you will find that your maximum price depends on your supplier's maximum price. In other cases, as in sections 7, 9, 10, or 11, you will find that your maximum price for the sale of a particular lot of oats depends on what is called a "base price," which you will find in section 6. Base prices are not maximum prices although sometimes you will find that the maximum price on a particular lot is the same as the base price; but more often the maximum pricing provisions provide that you deduct something from, or add something to, the base price in computing your maximum price.

Sec. 6. Base prices. As explained in the preceding section, "base prices" are not maximum prices but are used in the determination of maximum prices. All oats do not have the same value because of variations in grade and quality, and also because oats located at one point may command a different price than oats located at another point. Base prices are, accordingly, worked out to reflect differences in grade and quality and differences in location. Generally speaking, this supplement starts any lot of oats into marketing channels with a maximum price at or near its origin, and these base prices are for the purpose of arriving at such initial maximum price for the particular grade, quality, and location. At

different levels of marketing the supplement permits the addition to base prices of transportation costs, markups, and similar incidents to distribution.

In order to provide a base price for domestic oats at every point in the United States for every grade and quality, it is necessary to establish base prices by location for a "standard grade" of oats and provide premiums and discounts from that "standard grade" for other grades and qualities. The "standard grade" is No. 3 oats having a test weight of 27 pounds per bushel and a moisture content of not more than 14½ percent. Base prices for other grades and qualities are determined by adding or subtracting the premiums and discounts provided in Table I of Appendix A to or from the corresponding price for the "standard grade," except, that oats grown in California and Nevada and in the counties of Lake and Klamath in Oregon are not required to be sold on grade and the base prices in paragraph (a) shall apply on all sales of such oats without discount or premium.

(a) Base prices by location for the "standard grade" of oats, and for other oats not required to be sold on grade shall be as follows:

(1) *Base prices at terminal points.* At the following terminal base points, the prices per bushel are as shown:

| Terminal base point: | Price, per bushel |
|----------------------|----------------------|
| Chicago, Ill. | \$0.76 |
| Council Bluffs, Iowa | .72 |
| Duluth, Minn. | .72 |
| East St. Louis, Ill. | .76 |
| Kansas City, Kans. | .74 |
| Kansas City, Mo. | .74 |
| Milwaukee, Wis. | .76 |
| Minneapolis, Minn. | .72 |
| Ogden, Utah | .75 |
| Omaha, Nebr. | .72 |
| Philadelphia, Pa. | .83½ |
| Portland, Oreg. | .71 |
| St. Joseph, Mo. | .74 |
| St. Louis, Mo. | .76 |
| St. Paul, Minn. | .72 |
| Seattle, Wash. | .71 |
| Superior, Wis. | .72 |
| Tacoma, Wash. | .71 |

(2) *Base prices at interior rail points in Area A.* At any interior rail point in Area A the highest price determined by deducting from the base price at any terminal base point the transportation charges per bushel from such interior rail point to such terminal base point at the lowest domestic carload freight rate.

(3) *Base prices at interior points in Area A other than interior rail or barge loading points.* At any interior point in Area A, other than an interior rail or barge loading point, the base price at the nearest interior rail point.

(4) *Base prices at barge loading points.* At any barge loading point, the price set forth in Table III of Appendix A: *Provided*, That if any oats are shipped out of the barge loading point by rail car, the base price on resale shall be the base price which would be applicable to such interior point if it was not also a barge loading point.

(5) *Base prices at interior points in Area B.* At any interior point in Area B, the price set forth in Table IV of Appendix A opposite the state and county or parish wherein the interior point in

question is situated. If any interior point lies in two price zones, its base price shall be the price of the higher zone. If any interior point lies in a zone for which no price is named, its base price shall be the highest base price in any county or parish abutting such zone.

(6) *Base prices at the farm where grown.* At the farm where grown (i) the base price of the nearest interior rail point or barge loading point (whichever is nearer to such farm) less 3¢ per bushel; or (ii) the base price at the nearest barge loading point less 2¢ per bushel and less hauling allowance for the distance from the farm to such point; *Provided*, That if not hauled and delivered to a barge loading point, the base price on resale shall be as in (i) above.

(b) *Base prices for Canadian oats.* For base prices on Canadian oats see section 11 of this supplement.

Sec. 7. Maximum prices for sales by producers. You will find that the term "producer" has been defined to include several persons. It includes a person who grew or harvested the lot of oats and a landlord who received such oats as or in lieu of rent for the farm where grown. In addition, for the purposes of the maximum pricing provisions, it includes any other person who delivers the oats to his customer on the farm where grown or at roadside near such farm, the price result of this being that you must deliver the oats to your customer away from the farm where grown or roadside nearby in order to secure a higher price than the person who grew the oats could have received.

You will not be acting as a producer in selling such oats, but as a country shipper, merchandiser, or retailer, as the case may be: *Provided*, That before selling the oats you have them transported to a store, elevator, or warehouse operated by you at which you carry on a regular business of buying and selling grain produced by others. Under such circumstances your maximum price shall be determined as though you purchased the oats from another producer at such producer's maximum price on the delivery made to such store, elevator or warehouse.

In connection with any delivery by you as a producer, if your customer performs any service or incurs any expense in connection with growing, threshing, harvesting, collecting from field, or assembling at point where available for ready transportation from farm, the reasonable value of all such services performed and the expense so incurred must be deducted when he pays you the appropriate maximum price.

The maximum price of a producer is as follows:

(a) *If delivery is made at the farm where grown, or at roadside near such farm.* If you deliver any lot of oats on the farm where grown or at roadside near such farm, your maximum price per bushel, bulk, shall be the base price at the farm where grown, with the following two exceptions:

(1) If there is an interior rail point on the farm, and you deliver the oats to your customer at a rail loading facility at such interior rail point, your maxi-

imum price shall be the base price at the interior rail point, less one cent per bushel if delivered to your customer loaded in a rail car, or less 2 cents per bushel if not so loaded.

(2) If you are a landlord and you receive the oats from your tenant as or in lieu of rent, and if the lease or rental agreement between you provides for delivery of the oats at some point other than the farm where grown, then your maximum price for the sale of the oats to your tenant for delivery at such farm shall be the base price at the farm plus one cent per bushel.

(b) *If delivery is made by truck or other vehicle from the farm where grown to an elevator or warehouse.* If you deliver the oats by truck or other vehicle from the farm where grown to an elevator or warehouse (not including a delivery to a feeder, store or processing plant, which is covered in paragraph (d), separately) your maximum prices per bushel, bulk, are as follows:

(1) If such elevator or warehouse is located within the switching, corporate, town, or city limits in which a barge loading point is located, your maximum price is the base price at such barge loading point less 2 cents per bushel.

(2) If such elevator or warehouse is located at any interior point other than a barge loading point, your maximum price is the higher of either

(i) The base price at such point less 2 cents per bushel, or

(ii) (In order to allow such elevator or warehouse to handle the oats in a competitive manner with a nearby barge loading point.) The base price at the nearest barge loading point less 2 cents per bushel and less the hauling allowance provided in section 5 (b) (5) depending on the distance from the elevator or warehouse to the barge loading point.

(c) *If delivery is made by truck or other vehicle from the farm where grown to a rail or barge loading facility.* (1)

If you deliver the oats by truck or other vehicle from the farm where grown to your customer at a rail loading facility at an interior rail point, without loading into cars, your maximum price per bushel, bulk, shall be the base price at such point less 2 cents per bushel; or

(2) If you deliver the oats to your customer loaded aboard a rail car or barge, and if they are delivered at point of loading, your maximum price shall be the base price at point of loading less 1 cent per bushel; or

(3) If after so loading the oats on a rail car or barge, you deliver them to your customer following a rail or barge movement, your maximum price shall be the base price at point of loading less 1 cent per bushel but plus your transportation cost from the point of loading: *Provided*, That if after such a movement you store the oats, you must either pay or have deducted from the payment of such maximum price to you all accrued storage and handling charges, and the loading out charges. If your customer is also the warehouseman, such deduction for handling and loading out shall be not less than 1 cent per bushel.

(d) *If delivery is made by truck or other vehicle to a feeder, store or processing plant.* You may deliver the oats by

truck or other vehicle to either a feeder, store or processing plant, in which case your maximum price per bushel, bulk, shall be the base price at the farm where grown, plus your transportation cost from such farm to the point of delivery to your customer.

(e) *If delivery is made in store at an interior point.* If you store the oats in any elevator or warehouse located at an interior point and deliver them to your customer in storage, your maximum price shall be the base price at such point less 1 cent per bushel, but you must either pay or have deducted from the payment of the maximum price to you all accrued storage and handling charges, including the loading out charges. If your customer is also the warehouseman, the deduction for handling and loading out shall be not less than 1 cent per bushel.

(f) *If delivery is made in any other manner than is provided for above.* If you deliver the oats to your customer in any manner other than as provided above, your maximum price shall be the base price on the farm where grown plus 1 cent per bushel.

SEC. 8. Maximum prices for sales by trucker-merchants. Trucker-merchant

is defined as one who purchases oats for resale and, without loading them into a barge or railroad car or unloading them into an elevator or warehouse for his own account and use, transports and delivers the oats to his customer in a truck or other vehicle owned or leased and operated by him.

If you are a trucker-merchant under this definition, your maximum price per bushel, bulk, for the sale of any lot of oats is your supplier's maximum price on the sale and delivery to you plus your hauling allowance from the point where you received delivery from your supplier to the point of delivery to your customer: *Provided*, That if you deliver the oats to a terminal base point or a barge loading point, your maximum price shall not exceed the base price at such terminal base point less 2 cents per bushel, nor shall it exceed the base price at such barge loading point.

Every trucker-merchant shall, with respect to every lot of oats transported by him as such, procure or prepare a statement of information which shall accompany the oats while in transit on the truck or other vehicle. Such statement shall set forth the name and address of the trucker-merchant and of his supplier, the date of purchase, and the grade and purchase price of the oats. Upon delivery of the oats by the trucker-merchant to his customer, a copy of the statement of information signed by the trucker-merchant shall be given to his customer showing also the transportation charge being made. Copies of this statement shall be retained by the trucker-merchant and by his customer as a part of their records.

For enforcement purposes, it is necessary that both the shipments themselves and the records of the trucker-merchant covering such shipments be available for inspection while in transit. Failure of a trucker-merchant to stop for such inspection in response to instructions in a sign conspicuously posted

at roadside or upon signal by an Office of Price Administration enforcement officer shall be a violation of this supplement, subject to all penalties of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

SEC. 9. Maximum prices for sales by country shippers. "Country shipper" is defined in section 5 (b) (7) as a person who purchases and receives the oats from a producer at any point, other than a terminal base point, in any quantity, before any movement by rail or barge, and delivers them to his customer at a point which is neither on the farm where grown, nor at roadside near such farm, and delivers them in any manner other than as a trucker-merchant or retailer.

This section sets forth the maximum prices for the ordinary "country shipper" marketing transactions. To these prices, you may be entitled to add various charges which you may incur, or allowances for special handling of the oats, under the rules provided in section 13. Subject to such additions, the maximum prices per bushel, bulk, for sales by a country shipper, are as follows:

(a) *If delivery is made in a carload quantity.* If you deliver the oats in a carload quantity, loaded in a rail car or barge or after a movement by such rail car or barge, your maximum price per bushel, bulk, shall be the base price at the point where first so loaded plus your transportation cost, if any, from such point of loading: *Provided*, That, if after such movement, you store the oats you must either pay or have deducted from the payment to you of such maximum price all accrued storage and handling charges and the loading out charge. If your customer is also the warehouseman, such deductions for handling and loading out shall be not less than 1 cent per bushel.

(b) *If delivery is made from the elevator or warehouse in less than carload quantities.* If you deliver the oats from the elevator or warehouse, to which they were hauled by truck or other vehicle from the farm where grown, in a less than carload quantity, your maximum price per bushel, bulk, shall be the sum of the base price at such elevator or warehouse, your transportation cost, if any, and the appropriate one of the following markups:

(1) 2 cents per bushel, if delivered to a feeder; or

(2) 1 cent per bushel, if delivered to any person other than a feeder or trucker merchant; *Provided*, That if in making delivery, you do your own hauling, and, therefore, your transportation cost is the hauling allowance set forth in section 5 (b) (5) and if the distance you haul the oats is more than 60 miles, you shall not add the extra markups provided in this paragraph. The additional markups in this paragraph will not be subject to the limitation on markups provided in section 12 of this supplement.

(3) If your delivery is to a trucker-merchant, your maximum price shall not exceed the base price at point of delivery.

(c) *If delivery is made in storage.* If you deliver the oats, in any quantity, stored in the elevator or warehouse to

which they were hauled by truck or other vehicle from the farm where grown, your maximum price per bushel, bulk, shall be the base price at the point where the elevator or warehouse is located, but you must either pay, or have deducted from the payment of the maximum price to you, all accrued storage and handling charges, and the loading out charges. If your customer is also the warehouseman, the deduction for handling and loading shall be not less than 1 cent, per bushel.

(d) *If delivery is made in less than carload quantities, after movement by rail or barge.* If your delivery, after any movement by rail or barge, is in a less than carload quantity, you may add to your maximum price for a carload shipment, as computed in paragraph (a), your transportation cost, if any, and the appropriate one of the following markups:

(1) 2 cents per bushel, if delivered to a feeder; or

(2) 1 cent per bushel, if delivered to any person other than a feeder or a trucker-merchant; *Provided*, That if in making delivery, you do your own hauling, and therefore, your transportation cost is the hauling allowance set forth in section 5 (b) (5), and if the distance you haul the oats is more than 60 miles, you shall not add the extra markups provided in this paragraph. The additional markups, in this paragraph, will not be subject to the limitation on markups provided in section 12 of this supplement.

(3) If your delivery is to a trucker-merchant, your maximum price shall not exceed your maximum price as computed in paragraph (a).

(e) *If delivery is made to an elevator or warehouse at a barge loading point.* If you deliver the oats to an elevator or warehouse which is within the switching, corporate, town or city limits in which a barge loading point is located, your maximum price per bushel, bulk, shall be the base price at such barge loading point.

(f) *If delivery is made by truck or other vehicle from the farm where grown to a store, feeder or processor.* If you deliver the oats from the farm where grown, by a for hire truck or other vehicle to a store, feeder or processor, your maximum price per bushel, bulk, shall be the base price at such farm, plus 2 cents per bushel, and plus your transportation cost. (If you delivered in your own truck, or other vehicle, you would come under the definition of "trucker-merchant", and price accordingly).

(g) *If delivery is made in any manner, other than as provided for above.* The maximum price per bushel, bulk, for the sale by a country shipper of any lot of oats, handled in any manner not specified above, shall be the base price at the farm where grown plus 1 cent per bushel.

Sec. 10. Maximum prices for sales by merchandisers. With the exception of persons acting as producers or country shippers, all sellers who deliver oats in any manner, other than as trucker-merchants or retailers, are "merchandisers" by definition.

This section sets forth the maximum prices for the ordinary "merchandiser" marketing transaction. All markups are subject to the limitations set forth in section 12 of this supplement, unless they

are specifically exempted from such limitations. To these prices, you may be entitled to add various charges which you may incur, or allowances for special handling of the grain, under the rules provided in section 13 of this supplement. Subject to such additions, the maximum price per bushel, bulk, for sales by a merchandiser, are as follows:

(a) *If delivery is in a carload quantity.* For all deliveries of oats which you receive and deliver in a carload quantity you calculate your maximum price either:

(1) By adding to your supplier's maximum price on the sale and delivery to you, or to the price of a withdrawal as determined under section 2.3 of Food Products Regulation No. 2, your transportation cost, and a markup of 1 cent per bushel; or

(2) If the oats have moved into a terminal basing point, you may use the terminal base point price in calculating your maximum price, in lieu of your supplier's maximum price, and add to it (i) all previously allowable added markups and elevation charges, (ii) your transportation cost and (iii) a markup of 1 cent per bushel.

(b) *If delivery to you is in a less than carload quantity.* (1) Except as provided in subparagraphs (2) and (3) below, if you receive any lot of oats from your supplier in less than carload quantity and reship such oats by rail or vessel or sell it in storage, you must use the base price at the point of reshipment or storage, less 1 cent per bushel, in place of your supplier's maximum price, and, after such adjustment, you calculate your maximum price as provided in paragraph (a) of this section.

(2) If you receive any lot of oats from your supplier in less than carload quantity and you reship the oats by rail or vessel from a terminal base point, or sell them in storage there, you must use the terminal base price less 2 cents per bushel, in place of your supplier's maximum price. Your markup on deliveries in a carload quantity, when so received, shall be 2 cents per bushel. The limitations on markups, set forth in section 12, shall not apply to the markup provided in this subparagraph.

(3) If you receive any lot of oats from your supplier in less than carload quantity and you reship the oats by barge from a barge loading point, or sell them in storage there, you must use the barge loading point base price in place of your supplier's maximum price and after such adjustment you calculate your maximum price as provided in paragraph (a) of this section.

(c) *If delivery is in a less than carload quantity.* If you deliver any lot of oats in a less than carload quantity, your maximum price shall be calculated by adding:

(1) Your supplier's maximum price on the sale and delivery to you (or the price of a withdrawal, as determined under Section 2.3 of Food Products Regulation No. 2); and

(2) Your transportation cost; and

(3) A markup of 1 cent, per bushel; and

(4) The appropriate one of the following additional markups:

(i) 3 cents per bushel, if delivered to a feeder; or

(ii) 2 cents per bushel, if delivered to any person other than a feeder or a trucker-merchant; or

(iii) 1 cent per bushel, if delivered to a trucker-merchant;

Provided, That if you do your own hauling and, therefore, your transportation cost is the hauling allowance set forth in section 5 (b) (5), and if the distance hauled is more than 60 miles, the scale is so established that it includes markups for the sale of the grain so handled, and therefore, you shall not be permitted to add the extra markups provided in subparagraph (4) above, in such case. The markups provided in subparagraph (4), above, will not be subject to the limitations on markups on carload shipments, as provided in section 12 of this supplement, but no more than one of such markups shall be added to the maximum price on the sale of any less than carload quantity, except an additional markup on a sale to a feeder may be added to the markup provided in subparagraph (4) (ii) above.

(d) *If delivery is made in storage.* If you deliver oats to your customer in storage, you must either pay, or have deducted from the payment of the maximum price to you, all accrued storage and handling charges, and the loading out charges. If your customer is also the warehouseman, such deduction for the handling and loading out shall be not less than 1 cent, per bushel.

(e) *Additional markups if the oats are shipped by vessel on the Great Lakes, or by barge, south or east of Cairo, Illinois.* If you ship a lot of oats by vessel on the Great Lakes, or by barge, south or east of Cairo, Illinois, you may add to the maximum price, otherwise applicable, a markup of 1 cent per bushel. The extra markup, provided in this paragraph, is not subject to the limitations set forth in section 12 of this supplement.

SEC. 11. Maximum prices for purchases and sales by importers—(a) Definitions.

(1) "Importer" means, with respect to any lot of oats grown outside the United States, the first person who owns such lot after entry into the United States, and who sells it through his office located in the United States or who processes it at his plant located within the United States. When he sells the oats, the importer will be either a merchandiser, trucker-merchant or retailer, according to the manner in which he sells.

(2) "Canadian oats" means any lot of oats grown in Canada which is either:

(i) To be imported into the United States, or

(ii) Is still owned by the importer of such lot.

(3) "Cif" (cost, insurance, freight) means, with respect to the price of any lot of oats delivered by vessel, the price delivered alongside or on the vessel at the port where discharged, the seller having paid all customary expenses to that point and also marine insurance and freight to the delivery port, together with any export taxes, or other fees or charges, if any, levied because of exporta-

tion. The buyer shall receive the oats upon arrival, handle and pay for all subsequent movement of the oats, including taking delivery from the vessel in accordance with bill of lading clauses and terms; pay all costs of landing, including any duties, taxes, and other expenses at the named point of destination. The buyer must also pay for war risk insurance, if any, provided by the seller and for certificates of origin, consular invoices, or any other documents issued in the country of origin, or of shipment, or both, which may be required for importation of the oats into the United States.

(b) *Base prices.* (1) Base prices for Canadian oats entering the United States via different gateways are determined with reference to the following base points: For vessel shipment via the Great Lakes, the base point is Buffalo, New York; for rail shipments entering the United States via Sweetgrass, Montana, or via rail points of entry west of Sweetgrass, Montana, the base point is Portland, Oregon; for rail shipments entering the United States via rail points of entry east of Sweetgrass, Montana, but west of Lake Superior, the base point is Minneapolis, Minnesota; for rail shipments entering the United States east of Lake Superior, the base point is Boston, Massachusetts.

(2) Following are the base prices in United States dollars, bulk, per bushel of 32 pounds for Canadian oats of the base points listed below:

| Base points: | Cents per bushel |
|-------------------------|------------------|
| Buffalo, N. Y.----- | 85 |
| Minneapolis, Minn.----- | 78 |
| Portland, Ore.----- | 77 |
| Boston, Mass.----- | 92 |

Whenever it becomes necessary under the provisions of this supplement to adjust the price of such oats according to premiums or discounts provided for oats graded under United States Official Grain Standards, the foregoing base prices shall be deemed to be for No. 3 oats with a test weight of 38 pounds per bushel and with a moisture content not exceeding 14½%.

(3) The base prices per bushel, bulk, for Canadian oats delivered by rail or vessel at any destination in the United States other than the above base points, shall be determined as follows:

(i) If the transportation charge from the Canadian point of origin to such destination exceeds the transportation charges from such point of origin to the base point appropriate for the shipment by adding such excess to the base point price; if it is less, by deducting the difference.

(4) The base prices per bushel, bulk, for Canadian oats which enter the United States by truck or other vehicle shall be the base price on domestic oats at the point of delivery, adjusted to the basis of No. 3 oats with a test weight of 38 pounds per bushel.

(c) *Maximum prices for purchases by importers.* If you are an importer, the maximum price per bushel, bulk, at which you can purchase any lot of Canadian oats shall be:

(1) For vessel shipment via the Great Lakes:

(i) If purchased loaded aboard rail cars, barge, truck or other vehicle, after discharge from lake vessel, the base price at the port of discharge of the vessel, plus your supplier's transportation cost, if any, from such port of discharge, or

(ii) If purchased in storage at any point, the maximum price as calculated in subdivision (i) for such point but your supplier must either pay or have deducted from the payment of the maximum price to him all accrued storage and handling charges including loading out charges, and the out inspection and weighing charges, or

(iii) If purchased CIF the port of discharge the base price at such point less ¼ cents per bushel.

(2) If purchased for rail shipment into the United States, the base price at the destination to which your supplier incurs the freight; *Provided*, That if purchased in storage after rail shipment into the United States, your supplier must either pay or have deducted from the payment of the maximum price to him all accrued storage and handling charges, and the loading out charges.

(3) (i) If purchased for shipment or after shipment into the United States by truck or other vehicle, the base price at the point of delivery to you in the United States less 2 cents, per bushel; *Provided*, That if purchased in storage after such movement, the maximum price is the base price less 1 cent, per bushel, but your supplier must either pay or have deducted from the payment of the maximum price to him all accrued storage and handling charges, and the loading out charge, or

(ii) If purchased loaded aboard rail cars after shipment into the United States by truck or other vehicle, the base price at the rail point where so loaded less 1 cent, per bushel, and plus your supplier's transportation cost from such point, if any, on his sale and delivery to you.

(d) *Maximum prices for sales by importers.* If you are an importer, your maximum price per bushel, bulk, for the sale of any lot of Canadian oats shall be determined under section 8 of this supplement if you sell as a trucker-merchant, or section 10 if you sell as a merchandiser, or under Supplement No. 1 to Food Products Regulation No. 2 if you sell as a retailer, by substituting your maximum purchase price as computed in this section, for "your supplier's" maximum price.

(e) *Canadian inspection sufficient in certain cases.* Canadian oats may be resold in the United States on the basis of their Canadian inspection without application of the schedule of premiums and discounts in Table I of Appendix A: *Provided*, They are not commingled or averaged with domestic oats, but if commingled or averaged with other Canadian oats, they will not be subject to the provision of section 2.3 of Food Products Regulation No. 2 relating to use of standard grade and quality, and all Canadian oats so commingled or averaged shall be considered to be of the same grade and quality.

If commingled or averaged with oats grown in the United States, all provisions of section 2.3 of Food Products Regulation No. 2 shall apply.

SEC. 12. *Limitations on total markups of country shippers and merchandisers, and on service charges of commission merchants and brokers which may be included in a maximum price.* In order to prevent undue accumulation of markups for distribution services, all markups which merchandisers may add under this supplement (except the extra markups referred to in section 10 (c) (4), and section (10) (e), or under Food Products Regulation No. 2, also all service charges of commission merchants and brokers and all merchandising markups of country shippers under Food Products Regulation No. 2 are subject to the limitations provided in this section. These limitations apply to the total of all such markups and service charges for commission merchants and brokers.

(a) The maximum price for the sale of any lot of oats shall never include an amount in excess of 4 cents per bushel as a total of all merchandising markups and of all service charges for brokers and commission merchants, but this maximum of 4 cents per bushel shall be subject to the following zoning limitations as to transactions in Areas A and B.

(1) If you are the first purchaser in Area A of a carload quantity of oats originating or which has originated in Area B, on the sale to you such total shall not exceed 1½ cents per bushel; *Provided*, That this zoning limitation shall not apply to sales in Area A by a selling office located in Area A of a merchandiser otherwise entitled to a greater markup under section 2.5 of Food Products Regulation No. 2.

(2) When oats are delivered to anyone in Area A, except as provided in (1), such total shall not exceed 2½ cents per bushel.

(3) If you are the first purchaser in Area B of a carload quantity of oats originating in Area A or oats which previously have been marketed in Area A on the sale to you, such total shall not exceed 2½ cents per bushel; *Provided*, That this zoning limitation shall not apply to sales in Area B by a selling office located in Area B of a merchandiser otherwise entitled to a greater markup under section 2.5 of Food Products Regulation No. 2.

These are limitations on the total markups and service charges which may be included in any maximum price. They may lessen, but will never increase, the amount of any single maximum markup or maximum service charge.

SEC. 13. *Rules relating to additions to the maximum price—(a) Maximum charges for services of brokers and commission merchants, also provision for adding such charges subject to limitations.* (1) Notwithstanding the provisions of any other regulation, the maximum charge which a broker or a commission merchant may charge for all services in connection with any purchase and sale of a lot of oats shall be as set forth below. These are maximum

service charges regardless of whether the oats are sold at their maximum price and regardless of whether the markups may be added to any maximum price.

(i) *Brokers.* The maximum service charge for all services of a broker with respect to a purchase and sale of any lot of oats is 1/2 cent per bushel.

(ii) *Commission merchants.* The maximum service charge for all services of commission merchants with respect to a purchase and sale of any lot of oats is 1 cent per bushel.

(2) Subject to the limitations set forth in Section 12 of this supplement, any seller may add the service charge of a broker and any seller may add the service charge of a commission merchant to the maximum price he would otherwise be entitled to charge: *Provided*, That the seller actually incurs such charge and *Provided*, That no maximum price shall ever include more than 1 cent per bushel for broker's service charges and 1 cent per bushel for commission merchant's charges.

(b) *Elevation charges which may be added to your maximum price.* (1) Except as provided in subparagraph (2), if oats are unloaded into an elevator or warehouse, from a rail car, barge or vessel, the maximum price of the seller shall be increased by 1 cent per bushel, provided the seller has actually incurred or would otherwise bear, the expense of such elevation or handling, including loading out into rail car, barge, or vessel, except that if the seller is not the warehouseman, and the expense he incurs or bears is less than 1 cent per bushel, he shall add to his maximum price only the actual amount so incurred or borne.

(2) When any lot of oats is transferred from rail cars or barge through an elevator or warehouse to lake vessel, the elevation or handling charges actually incurred by the seller (but not exceeding the charges in effect December 6, 1943) may be added to his maximum price: *Provided*, That if the oats are handled through an elevator or warehouse operated by the seller, he may add 1 cent per bushel.

(3) This paragraph (b) does not fix maximum prices which may be charged by warehousemen for elevating or handling oats belonging to another person. The amount of such charges is determined under the General Maximum Price Regulation.*

(c) *Inspection and weighing charges.* (1) Where to complete a contract of sale of oats official inspection is necessary, the cost thereof shall be borne by the seller.

(2) Where to complete a contract of sale of oats official weighing is necessary the cost thereof may be borne by either seller or buyer as the parties may agree: *Provided*, That if paid by the buyer, said expenditure shall not be added to the maximum price for any resale of said oats.

(d) *Sacks and sacking.* (1) When oats are sold in sacks furnished by the seller, there may be added to the appropriate maximum price the reasonable market value of the sacks used (not ex-

ceeding any maximum price established thereon) plus a sacking charge of 2 1/2 cents per bushel.

(2) When oats are sold in sacks furnished by the buyer and the seller does the sacking, there may be added to the appropriate maximum price a sacking charge of 2 1/2 cents per bushel.

(3) These charges may be added to the appropriate maximum price for succeeding sales while the oats are sold in sacks.

(e) *Carrying charges.* (1) "Carrying charges" are the charges which a seller is permitted to add to the appropriate maximum price for oats when the buyer requests deferment of delivery of the oats beyond the free time allowed under the terms of the contract of sale. Carrying charges cover maintenance of condition and grade, financing, insurance and storage, and they involve the assumption on the part of the seller of an undertaking to make deferred delivery to the buyer, according to the grade, quality and quantity of oats purchased by the buyer, at any time the buyer may select, after the expiration of the free time

(2) In addition to the appropriate maximum prices for oats, a carrying charge of 1/25 of a cent per bushel, per day, may be charged by the seller from the date of the expiration of the free time, under the contract of sale, to the date selected by the buyer as the date on which shipment shall be made, or the date on which shipment or delivery is actually made, whichever is earlier: *Provided*, That, in all cases, the seller may have five days, from the date of receipt of instructions within which to make shipment, and he may charge carrying charges, accordingly.

(3) On any resale, the maximum price of the seller shall not be increased for any such carrying charge, so added.

(4) This provision for the addition of carrying charges shall have no application to oats stored, or remaining, on the farm where grown.

(5) This paragraph (e) does not fix maximum prices which may be charged by warehousemen for storing oats belonging to another person. The amount of such charges is determined under the General Maximum Price Regulation.

(f) *Special services.* Under certain special conditions persons performing several marketing functions may add to their maximum price merchandising markups for special services. These markups, and the conditions under which they may be added, are set forth in section 2.5 of Food Products Regulation No. 2.

Sec. 14. *Separate invoicing of charges, markups and costs.* When any selling price equals or exceeds the base price adjusted for grade and quality at point of origin plus freight, or exceeds the base price adjusted for grade and quality at the terminal through which the shipment moves plus freight, all service charges, markups, elevation and handling costs, and transportation costs permitted in respect to distributors of carload quantities shall be separately stated on the invoice or on the confirmation of purchase or sale to each purchaser of a carload quantity.

APPENDIX A

TABLE I

(a) *Schedule of premiums and discounts over or under standard grade and quality.* The base price of the standard grade and quality, No. 3 oats with a test weight of 27 pounds per bushel and moisture content not over 14 1/2 percent, shall be adjusted for other grades and qualities by the following premiums (shown as plus) and the discounts (shown as minus) in cents per bushel:

| Grade (all classes and special grade designations) | Minimum test weights per bushel | | | | | | | | |
|---|---------------------------------|-----|-----|--------|-----|-----|--------|--------|--------|
| | Under 27# | 27# | 30# | 32# | 34# | 36# | 38# | 40# | 42# |
| #1 oats..... | | | | +4 | +5 | +6 | +8 | +10 | +12 |
| #2 oats..... | | | +3 | +3 1/2 | +4 | +5 | +7 | +9 | +11 |
| #3 oats..... | | 0 | +2 | +2 1/2 | +3 | +4 | +6 | +7 1/2 | +9 |
| #4 oats 85% S. C. or better..... | -2 | -1 | +1 | +1 1/2 | +2 | +3 | +4 1/2 | +6 | +7 1/2 |
| #4 oats under 85%..... | -3 | -2 | 0 | +1 1/2 | +1 | +2 | +3 1/2 | +5 | +5 |
| Sample grade account factors other than moisture..... | -4 | -3 | -1 | -1 1/2 | 0 | +1 | +2 1/2 | +4 | +4 |

| Grade (all classes and special grade designations) | Minimum test weights per bushel | | | | | |
|---|---------------------------------|-----|-----|-----|-----|-----|
| | 26# | 29# | 32# | 34# | 36# | 38# |
| #1 feed oats 70% S. C., or better..... | | | | -1 | 0 | +1 |
| #1 feed oats under 70% S. C..... | | | | -2 | -1 | 0 |
| #2 feed oats..... | | | | -3 | -2 | -1 |
| #3 feed oats..... | | | | -4 | -3 | -2 |
| Sample grade feed oats account factors other than moisture..... | | | | -5 | -4 | -3 |
| #1 mixed feed oats..... | | | | -6 | -5 | -4 |
| #2 mixed feed oats..... | | | | -7 | -6 | -5 |
| #3 mixed feed oats..... | | | | -8 | -7 | -6 |
| Sample grade mixed feed oats account factors other than moisture..... | | | | -9 | -8 | -7 |

Discounts for the following factors as prescribed in the Official Grain Standards of the United States. In addition to the above premiums and discounts for grade and quality, other than "standard grade", the following additional discounts per bushel shall apply for the following grade notations:

(i) 2 cents per bushel discount for "musty"; 1 cent per bushel discount for "weevily"; 1 cent per bushel discount for "thin"; 2 cents per bushel discount for "smutty"; 1 cent per bushel discount for

"tough"; 2 cents per bushel discount for "garlicky"; 2 cents per bushel discount for "ergoty"; 2 cents per bushel discount for "sour" or "heating"; 4 cents per bushel discount for "hot"; 2 cents per bushel discount for the notation "commercially objectionable foreign odor (other than smut or garlic)." These discounts shall be cumulative.

(ii) 1/2 cent per bushel discount for each 2 percent or fraction thereof of foreign material in excess of 7 percent for oats; or 1/2 cent per bushel discount for feed oats if

* 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

in excess of 8 percent and not over 10 percent of foreign material.

(iii) 1/2 cent per bushel discount for each 1 pound or fraction thereof by which the test weight per bushel is less than 23 pounds per bushel.

(iv) For oats or feed oats or mixed oats containing more than 14 1/2 percent of moisture, a discount of 1 cent per bushel for "tough" for moisture up to 16 percent (if such discount has not already been made for "tough" under subparagraph (i) above) and a further discount of 3/4 cent per bushel for each 1/2 percent or fraction thereof of moisture in excess of 16 percent.

(v) 2 cents per bushel discount if the lot of oats grades sample grade on account of wild brome grass seed.

(vi) 4 cents per bushel discount if the lot of oats grades sample grade on account of stones and/or cinders.

(vii) (a) For oats, 1 cent per bushel discount for each 1 percent or fraction thereof of heat damaged kernels in excess of 5 percent and up to 15 percent inclusive and 1 cent per bushel discount for each 5 percent or fraction thereof in excess of 15 percent.

(b) For feed oats and mixed feed oats, 1 cent per bushel discount for each 1 percent or fraction thereof of heat damaged kernels in excess of 8 percent and up to 18 percent inclusive and 1 cent per bushel discount for each 5 percent or fraction thereof in excess of 18 percent.

These discounts in the above subparagraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) shall be cumulative except as otherwise provided therein.

Premiums for special oats. "Racehorse oats" as defined herein may be sold, subject to all the provisions of section 2.7 of Food Products Regulation No. 2 for sales of such special commodities, at a premium of 10 cents per bushel over the maximum price for the grade and quality of oats so delivered as computed elsewhere in this supplement.

"Recleaned oats." Oats which have been processed by cleaning and separation and containing less than 1 percent of foreign matter may be sold at a premium of 2 cents per bushel over the maximum price for the grade and quality of the oats so delivered as computed elsewhere in this regulation. This provision shall not apply as an additional premium in the case of "racehorse oats."

(b) **Method of adjusting prices for grade and quality.** The premiums and discounts in paragraph (a) of this table are used to adjust the price for the standard grade and quality (No. 3 oats, testing 27 pounds per bushel) so as to arrive at the price for a lot of oats grading other than standard. When oats are shipped out of a place of business, such outbound lot may be of different grade and quality than the inbound lot whose history you are using for the purpose of pricing the outbound lot. In such cases it is necessary to make a price adjustment to reflect such differences in grade and quality. This is done by adjusting the price of the inbound lot to a No. 3-27 pound (standard grade and quality) basis, by applying the schedule of premiums and discounts set forth in paragraph (a) of this table, and then adjusting that price in the same manner to determine the correct price for the grade and quality of the outbound shipment.

TABLE II—DESCRIPTION OF AREA A—OATS

| | |
|------------|-----------|
| Idaho: | Custer |
| Bannock | Franklin |
| Bear Lake | Fremont |
| Benewah | Idaho |
| Bingham | Jefferson |
| Blaine | Kootenai |
| Bonner | Latah |
| Bonneville | Lewis |
| Boundary | Madison |
| Butte | Nez Perce |
| Caribou | Oneida |
| Clark | Power |
| Clearwater | Teton |

TABLE II—continued

| | |
|---------------------|-------------------|
| Illinois: | Montana—Cont. |
| Adams | Judith Basin |
| Brown | Petroleum |
| Cass | Pondera |
| Champaign | Prairie |
| Logan | Teton |
| Macon | Wibaux, and all |
| Menard | counties north |
| Piatt | thereof. |
| Vermillion, and all | Nebraska: |
| counties north | Antelope |
| thereof. | Boone |
| Indiana: | Clay |
| Benton | Hamilton |
| Carroll | Knox |
| Cass | Merrick |
| Fountain | Nance |
| Fulton | Nuckolls, and all |
| Jasper | counties east |
| Lake | thereof. |
| La Porte | North Dakota: |
| Marshall | All counties. |
| Newton | Oregon: |
| Porter | Gilliam |
| Pulaski | Morrow |
| Starke | Sherman |
| St. Joseph | Umatilla |
| Tippecanoe | Union |
| Vermillion | Wallowa |
| Warren | Wasco |
| White | South Dakota: |
| Iowa: | All counties east |
| All counties. | of the Missouri |
| Minnesota: | River. |
| Becker | Utah: |
| Clearwater | Box Elder |
| Dakota | Cache |
| Douglas | Rich |
| Hennepin | Washington: |
| Kittson | Adams |
| Marshall | Asotin |
| Otter Tail | Benton |
| Fennington | Columbia |
| Pope | Douglas |
| Stearns | Whitman |
| Wright, and all | Franklin |
| counties south | Garfield |
| and west there- | Grant |
| of. | Kittitas |
| Missouri: | Lincoln |
| Andrew | Spokane |
| Davies | Walla Walla |
| De Kalb | Wisconsin: |
| Holt | Adams |
| Linn | Buffalo |
| Livingston | Calumet |
| Macon | Jackson |
| Marion | Juneau |
| Shelby, and all | Manitowoc |
| counties north | Pepin |
| thereof. | Pierce |
| Montana: | Trempealeau |
| Cascade | Waushara |
| Fergus | Winnebago, and |
| Garfield | all counties |
| Glacier | south thereof. |

TABLE III—BASE PRICES AT BARGE LOADING POINTS

| | |
|----------------------|------------------|
| Barge loading point: | Price per bushel |
| Morris, Ill. | \$0.75 1/2 |
| Seneca, Ill. | .75 1/4 |
| Ottawa, Ill. | .75 1/4 |
| La Salle, Ill. | .75 |
| Peru, Ill. | .75 |
| Hennepin, Ill. | .75 |
| Henry, Ill. | .74 3/4 |
| Lacon, Ill. | .74 3/4 |
| Chillicothe, Ill. | .74 1/2 |
| Peoria, Ill. | .74 1/2 |
| Pekin, Ill. | .74 1/2 |
| Havana, Ill. | .74 1/2 |
| Beardstown, Ill. | .74 1/2 |
| Naples, Ill. | .74 1/2 |
| Clinton, Iowa | .74 1/2 |
| Davenport, Iowa | .74 1/2 |
| Rock Island, Ill. | .74 1/2 |
| Muscatine, Iowa | .74 1/2 |
| New Boston, Ill. | .74 1/2 |
| Keithsburg, Ill. | .74 1/2 |
| Oquawka, Ill. | .74 1/2 |

TABLE III—continued

| | |
|----------------------|------------------|
| Barge loading point: | Price per bushel |
| Burlington, Iowa | \$0.74 1/2 |
| Dallas City, Ill. | .74 1/2 |
| Meyer Light, Ill. | .74 1/2 |
| Quincy, Ill. | .74 1/2 |
| Stillwater, Minn. | .73 3/4 |
| Hastings, Minn. | .73 3/4 |
| Redwing, Minn. | .73 3/4 |
| Winona, Minn. | .74 1/4 |
| LaCrosse, Wis. | .74 1/4 |
| Warsaw, Ill. | .74 1/4 |

TABLE IV—LIST OF STATE AND COUNTY BASE PRICES IN AREA B

| | | | |
|-------------------------------------|--------|--------------|--------|
| State, county, and price per bushel | | | |
| Alabama | | | |
| Autauga | \$0.88 | Houston | \$0.90 |
| Baldwin | .87 | Jackson | .87 |
| Barbour | .89 | Jefferson | .83 |
| Bibb | .87 | Lamar | .86 |
| Blount | .86 | Lauderdale | .84 |
| Bullock | .89 | Lawrence | .86 |
| Butler | .88 | Lee | .89 |
| Calhoun | .87 | Limestone | .86 |
| Chambers | .89 | Lowndes | .88 |
| Cherokee | .87 | Macon | .89 |
| Chilton | .87 | Madison | .86 |
| Choctaw | .87 | Marango | .87 |
| Clarke | .87 | Marion | .83 |
| Clay | .88 | Marshall | .87 |
| Cleburne | .88 | Mobile | .87 |
| Coffee | .89 | Monroe | .88 |
| Colbert | .84 | Montgomery | .83 |
| Conecuh | .88 | Morgan | .95 |
| Coosa | .88 | Perry | .87 |
| Covington | .88 | Pickens | .86 |
| Crenshaw | .88 | Pike | .83 |
| Cullman | .86 | Randolph | .83 |
| Dale | .89 | Russell | .89 |
| Dallas | .88 | Saint Clair | .87 |
| De Kalb | .87 | Shelby | .87 |
| Elmore | .88 | Sumter | .87 |
| Escambia | .88 | Talladega | .83 |
| Etowah | .87 | Tallapoosa | .89 |
| Fayette | .86 | Tuscaloosa | .86 |
| Franklin | .85 | Walker | .86 |
| Geneva | .89 | Washington | .87 |
| Greene | .87 | Wilcox | .88 |
| Hale | .87 | Winston | .86 |
| Henry | .90 | | |
| Arizona | | | |
| Apache | .83 | Mohave | .83 |
| Cochise | .83 | Navajo | .83 |
| Coconino | .83 | Pima | .82 |
| Gila | .83 | Pinal | .82 |
| Graham | .83 | Santa Cruz | .83 |
| Greenlee | .83 | Yavapai | .83 |
| Maricopa | .82 | Yuma | .81 |
| Arkansas | | | |
| Arkansas | .82 | Hempstead | .79 |
| Ashley | .83 | Hot Spring | .80 |
| Baxter | .78 | Howard | .78 |
| Benton | .75 | Independence | .60 |
| Boone | .76 | Izard | .79 |
| Bradley | .82 | Jackson | .80 |
| Calhoun | .82 | Jefferson | .81 |
| Carroll | .76 | Johnson | .77 |
| Chicot | .83 | Lafayette | .80 |
| Clark | .80 | Lawrence | .79 |
| Clay | .80 | Lee | .82 |
| Cleburne | .80 | Lincoln | .82 |
| Cleveland | .82 | Little River | .78 |
| Columbia | .81 | Logan | .77 |
| Conway | .79 | Lonoke | .81 |
| Craighead | .80 | Madison | .76 |
| Crawford | .75 | Marion | .77 |
| Crittenden | .81 | Miller | .79 |
| Cross | .81 | Mississippi | .80 |
| Dallas | .81 | Monroe | .82 |
| Desha | .83 | Montgomery | .78 |
| Drew | .83 | Nevada | .80 |
| Faulkner | .80 | Newton | .77 |
| Franklin | .76 | Quachita | .81 |
| Fulton | .78 | Perry | .79 |
| Garland | .79 | Phillips | .83 |
| Grant | .81 | Pike | .79 |
| Greene | .80 | Poinsett | .80 |

TABLE IV—continued

State, county, and price per bushel

Arkansas—Continued

| | | | |
|-------------|-------|------------|-------|
| Polk | \$.77 | Sevier | \$.78 |
| Pope | .78 | Sharp | .79 |
| Prairie | .81 | Stone | .79 |
| Pulaski | .80 | Union | .82 |
| Randolph | .79 | Van Buren | .79 |
| St. Francis | .81 | Washington | .75 |
| Saline | .80 | White | .80 |
| Scott | .77 | Woodruff | .81 |
| Searcy | .78 | Yell | .78 |
| Sebastian | .78 | | |

California

| | | | |
|--------------|-----|----------------|-----|
| Alameda | .86 | Plumas | .83 |
| Alpine | .84 | Riverside | .86 |
| Amador | .84 | Sacramento | .84 |
| Butte | .84 | San Benito | .84 |
| Calaveras | .84 | San Bernardino | .86 |
| Colusa | .84 | San Diego | .87 |
| Contra Costa | .86 | San Francisco | .87 |
| Del Norte | .87 | San Joaquin | .84 |
| Eldorado | .84 | San Luis | .84 |
| Fresno | .84 | Obispo | .86 |
| Glenn | .84 | San Mateo | .87 |
| Humboldt | .87 | Santa Barbara | .86 |
| Imperial | .86 | Santa Clara | .86 |
| Inyo | .84 | Santa Cruz | .87 |
| Kern | .86 | Shasta | .81 |
| Kings | .84 | Santa Clara | .86 |
| Lake | .84 | Santa Cruz | .87 |
| Lassen | .81 | Shasta | .81 |
| Los Angeles | .87 | Sierra | .84 |
| Madera | .84 | Siskiyou | .79 |
| Marin | .87 | Solano | .86 |
| Mariposa | .84 | Sonoma | .87 |
| Mendocino | .87 | Stanislaus | .84 |
| Merced | .84 | Sutter | .84 |
| Modoc | .79 | Tehama | .83 |
| Mono | .84 | Trinity | .84 |
| Monterey | .86 | Tulare | .84 |
| Napa | .84 | Tuolumne | .84 |
| Nevada | .84 | Ventura | .86 |
| Orange | .87 | Yolo | .84 |
| Placer | .84 | Yuba | .84 |

Colorado

| | | | |
|-------------|-----|------------|-----|
| Adams | .75 | Lake | .79 |
| Alamosa | .79 | La Plata | .81 |
| Arapahoe | .75 | Larimer | .75 |
| Archuleta | .80 | Las Animas | .77 |
| Baca | .76 | Lincoln | .75 |
| Bent | .76 | Logan | .73 |
| Boulder | .75 | Mesa | .80 |
| Chaffee | .78 | Mineral | .80 |
| Cheyenne | .75 | Moffat | .79 |
| Clear Creek | .77 | Montezuma | .81 |
| Conejos | .79 | Montrose | .80 |
| Costilla | .79 | Morgan | .74 |
| Crowley | .76 | Otero | .76 |
| Custer | .78 | Ouray | .81 |
| Delta | .80 | Park | .77 |
| Denver | .76 | Phillips | .73 |
| Dolores | .81 | Pitkin | .80 |
| Douglas | .76 | Prowers | .76 |
| Eagle | .80 | Pueblo | .77 |
| Elbert | .76 | Rio Blanco | .79 |
| El Paso | .76 | Rio Grande | .79 |
| Fremont | .77 | Routt | .78 |
| Garfield | .79 | Saguache | .79 |
| Gilpin | .77 | San Juan | .81 |
| Grand | .75 | San Miguel | .81 |
| Gunnison | .79 | Sedgwick | .72 |
| Hinsdale | .81 | Summit | .79 |
| Huerfano | .78 | Teller | .76 |
| Jackson | .77 | Washington | .74 |
| Jefferson | .76 | Weld | .74 |
| Kiowa | .76 | Yuma | .74 |
| Kit Carson | .75 | | |

Connecticut

| | |
|--------------|-----|
| All counties | .86 |
|--------------|-----|

Delaware

| | |
|--------------|-----|
| All counties | .84 |
|--------------|-----|

District of Columbia

| | |
|--|-----|
| | .83 |
|--|-----|

TABLE IV—continued

State, county, and price per bushel

Florida

| | | | |
|-----------|-------|--------------------|-------|
| Baker | \$.92 | Leon | \$.91 |
| Bay | .91 | Liberty | .91 |
| Calhoun | .91 | Madison | .92 |
| Columbia | .92 | Nassau | .92 |
| Duval | .92 | Okaloosa | .88 |
| Escambia | .88 | Santa Rosa | .88 |
| Franklin | .91 | Suwannee | .92 |
| Gadsden | .91 | Taylor | .92 |
| Gulf | .91 | Wakulla | .91 |
| Hamilton | .92 | Walton | .89 |
| Holmes | .90 | Washington | .90 |
| Jackson | .90 | All other counties | .93 |
| Jefferson | .92 | | |
| Lafayette | .92 | | |

Georgia

| | | | |
|---------------|-----|--------------------|-----|
| Appling | .90 | Lamar | .89 |
| Baker | .90 | Laurens | .90 |
| Baldwin | .89 | Lee | .90 |
| Banks | .89 | Liberty | .90 |
| Barrow | .89 | Lincoln | .89 |
| Bartow | .88 | Long | .90 |
| Ben Hill | .90 | Lumpkin | .88 |
| Bibb | .89 | McDuffie | .89 |
| Bleckley | .90 | McIntosh | .90 |
| Bryan | .90 | Macon | .89 |
| Bulloch | .90 | Madison | .89 |
| Burke | .90 | Marion | .89 |
| Butts | .89 | Meriwether | .89 |
| Calhoun | .90 | Miller | .90 |
| Candler | .90 | Monroe | .89 |
| Carroll | .88 | Montgomery | .90 |
| Catoosa | .87 | Morgan | .89 |
| Chatham | .90 | Murray | .87 |
| Chattahoochee | .89 | Muscogee | .89 |
| Chattooga | .87 | Newton | .89 |
| Cherokee | .88 | Oconee | .89 |
| Clarke | .89 | Oglethorpe | .89 |
| Clay | .90 | Paulding | .88 |
| Clayton | .88 | Peach | .89 |
| Cobb | .88 | Pickens | .88 |
| Columbia | .89 | Pike | .89 |
| Coweta | .88 | Polk | .88 |
| Crawford | .89 | Pulaski | .90 |
| Crisp | .90 | Putnam | .89 |
| Dade | .87 | Quitman | .89 |
| Dawson | .88 | Rabun | .88 |
| Decatur | .90 | Randolph | .90 |
| De Kalb | .88 | Richmond | .90 |
| Dodge | .90 | Rockdale | .89 |
| Dooly | .90 | Schley | .89 |
| Dougherty | .90 | Screven | .90 |
| Douglas | .88 | Seminole | .90 |
| Early | .90 | Spalding | .89 |
| Effingham | .90 | Stephens | .88 |
| Elbert | .89 | Stewart | .89 |
| Emanuel | .90 | Sumter | .89 |
| Evans | .90 | Talbot | .89 |
| Fannin | .88 | Taliaferro | .89 |
| Fayette | .88 | Tattnall | .90 |
| Floyd | .87 | Taylor | .89 |
| Forsyth | .88 | Telfair | .90 |
| Franklin | .89 | Terrell | .90 |
| Fulton | .88 | Toombs | .90 |
| Gilmer | .88 | Towns | .88 |
| Glascok | .89 | Treutlen | .90 |
| Gordon | .87 | Troup | .89 |
| Greene | .89 | Turner | .90 |
| Gwinnett | .88 | Twiggs | .89 |
| Habersham | .88 | Union | .88 |
| Hall | .88 | Upson | .89 |
| Hancock | .89 | Walker | .87 |
| Haralson | .88 | Walton | .89 |
| Harris | .89 | Warren | .89 |
| Hart | .89 | Washington | .89 |
| Heard | .88 | Wayne | .90 |
| Henry | .89 | Webster | .89 |
| Houston | .89 | Wheeler | .90 |
| Jackson | .89 | White | .88 |
| Jasper | .89 | Whitefield | .87 |
| Jeff Davis | .90 | Wilcox | .90 |
| Jefferson | .90 | Wilkes | .89 |
| Jenkins | .90 | Wilkinson | .89 |
| Johnson | .90 | All other counties | .91 |
| Jones | .89 | | |

TABLE IV—continued

State, county, and price per bushel

Idaho

| | | | |
|---------|-------|-------------------------------|-------|
| Ada | \$.67 | Lincoln | \$.69 |
| Adams | .65 | Minidoka | .69 |
| Boise | .67 | Owyhee | .67 |
| Camas | .69 | Payette | .67 |
| Canyon | .67 | Shoshone | .64 |
| Cassia | .69 | Twin Falls | .69 |
| Elmore | .68 | Valley | .65 |
| Gem | .67 | Washington | .66 |
| Gooding | .69 | All other counties in Area A. | |
| Jerome | .69 | | |
| Lemhi | .65 | | |

Illinois

| | | | |
|------------|-----|-------------------------------|-----|
| Alexander | .79 | Madison | .75 |
| Bond | .75 | Marion | .75 |
| Calhoun | .73 | Massac | .80 |
| Christian | .73 | Monroe | .76 |
| Clark | .75 | Montgomery | .74 |
| Clay | .75 | Morgan | .73 |
| Clinton | .75 | Moultrie | .73 |
| Coles | .74 | Perry | .77 |
| Crawford | .76 | Pike | .73 |
| Cumberland | .74 | Pope | .79 |
| Douglas | .73 | Pulaski | .79 |
| Edgar | .74 | Randolph | .77 |
| Edwards | .77 | Richland | .76 |
| Effingham | .74 | Saint Clair | .76 |
| Fayette | .74 | Saline | .78 |
| Franklin | .77 | Sangamon | .73 |
| Gallatin | .78 | Scott | .73 |
| Greene | .73 | Shelby | .73 |
| Hamilton | .77 | Union | .79 |
| Hardin | .79 | Wabash | .77 |
| Jackson | .78 | Washington | .76 |
| Jasper | .75 | Wayne | .76 |
| Jefferson | .76 | White | .78 |
| Jersey | .74 | Williamson | .78 |
| Johnson | .79 | All other counties in Area A. | |
| Lawrence | .76 | | |
| Macoupin | .74 | | |

Indiana

| | | | |
|-------------|-----|-------------------------------|-----|
| Adams | .77 | Madison | .76 |
| Allen | .76 | Marion | .76 |
| Bartholomew | .78 | Martin | .77 |
| Blackford | .76 | Miami | .74 |
| Boone | .75 | Monroe | .77 |
| Brown | .77 | Montgomery | .74 |
| Clark | .79 | Morgan | .76 |
| Clay | .75 | Noble | .75 |
| Clinton | .74 | Ohio | .80 |
| Crawford | .78 | Orange | .78 |
| Davies | .77 | Owen | .76 |
| Dearborn | .80 | Parke | .74 |
| Decatur | .78 | Perry | .79 |
| De Kalb | .76 | Pike | .78 |
| Delaware | .77 | Posey | .79 |
| Dubois | .78 | Putnam | .75 |
| Elkhart | .74 | Randolph | .78 |
| Fayette | .78 | Ripley | .79 |
| Floyd | .79 | Rush | .78 |
| Franklin | .79 | Scott | .79 |
| Gibson | .78 | Shelby | .77 |
| Grant | .75 | Spencer | .79 |
| Greene | .76 | Steuben | .76 |
| Hamilton | .76 | Sullivan | .76 |
| Hancock | .77 | Switzerland | .80 |
| Harrison | .79 | Tipton | .75 |
| Hendricks | .75 | Union | .78 |
| Henry | .77 | Vanderburgh | .79 |
| Howard | .74 | Vigo | .75 |
| Huntington | .75 | Wabash | .75 |
| Jackson | .78 | Warrick | .79 |
| Jay | .77 | Washington | .78 |
| Jefferson | .80 | Wayne | .78 |
| Jennings | .79 | Wells | .76 |
| Johnson | .77 | Whitley | .75 |
| Knox | .77 | All other counties in area A. | |
| Kosciusko | .74 | | |
| Lagrange | .75 | | |
| Lawrence | .77 | | |

Iowa

All counties in area-A.

TABLE IV—continued

State, county, and price per bushel—Con.

| Kansas | |
|--------------|-------|
| Allen | \$.72 |
| Anderson | .72 |
| Atchison | .72 |
| Barber | .71 |
| Barton | .71 |
| Bourbon | .72 |
| Brown | .71 |
| Butler | .71 |
| Chase | .71 |
| Chautauqua | .72 |
| Cherokee | .72 |
| Cheyenne | .74 |
| Clark | .72 |
| Clay | .71 |
| Cloud | .71 |
| Coffey | .72 |
| Comanche | .72 |
| Cowley | .71 |
| Crawford | .72 |
| Decatur | .73 |
| Dickinson | .71 |
| Doniphan | .71 |
| Douglas | .73 |
| Edwards | .72 |
| Elk | .72 |
| Ellis | .72 |
| Ellsworth | .71 |
| Finney | .73 |
| Ford | .72 |
| Franklin | .73 |
| Geary | .71 |
| Gove | .73 |
| Graham | .72 |
| Grant | .74 |
| Gray | .73 |
| Greely | .74 |
| Greenwood | .72 |
| Hamilton | .75 |
| Harper | .71 |
| Harvey | .71 |
| Haskell | .73 |
| Hodgeman | .72 |
| Jackson | .72 |
| Jefferson | .73 |
| Jewell | .70 |
| Johnson | .74 |
| Kearney | .74 |
| Kingman | .71 |
| Kiowa | .72 |
| Labette | .72 |
| Lane | .73 |
| Leavenworth | .73 |
| Lincoln | .71 |
| Linn | \$.72 |
| Logan | .73 |
| Lyon | .72 |
| McPherson | .71 |
| Marion | .71 |
| Marshall | .71 |
| Meade | .73 |
| Miami | .73 |
| Mitchell | .71 |
| Montgomery | .72 |
| Morris | .71 |
| Morton | .75 |
| Nemaha | .71 |
| Neosho | .72 |
| Ness | .72 |
| Norton | .72 |
| Osage | .72 |
| Osborne | .71 |
| Ottawa | .71 |
| Pawnee | .72 |
| Phillips | .72 |
| Pottawatomie | .72 |
| Pratt | .71 |
| Rawlins | .73 |
| Reno | .71 |
| Republic | .70 |
| Rice | .71 |
| Riley | .71 |
| Rooks | .72 |
| Rush | .72 |
| Russell | .71 |
| Saline | .71 |
| Scott | .73 |
| Sedgwick | .71 |
| Seward | .73 |
| Shawnee | .72 |
| Sheridan | .73 |
| Sherman | .74 |
| Smith | .71 |
| Stafford | .71 |
| Stanton | .75 |
| Stevens | .74 |
| Sumner | .71 |
| Thomas | .73 |
| Trego | .72 |
| Wabaunsee | .72 |
| Wallace | .74 |
| Washington | .70 |
| Wichita | .74 |
| Wilson | .72 |
| Woodson | .72 |
| Wyandotte | .74 |

Kentucky

| | |
|--------------|-----|
| Adair | .83 |
| Allen | .83 |
| Anderson | .81 |
| Ballard | .79 |
| Barren | .82 |
| Bath | .84 |
| Bell | .86 |
| Boone | .81 |
| Bourbon | .83 |
| Boyd | .83 |
| Boyle | .82 |
| Bracken | .82 |
| Breathitt | .87 |
| Breckinridge | .79 |
| Bullitt | .79 |
| Butler | .81 |
| Caldwell | .80 |
| Calloway | .81 |
| Campbell | .81 |
| Carlisle | .80 |
| Carroll | .80 |
| Carter | .83 |
| Casey | .82 |
| Christian | .82 |
| Clark | .84 |
| Clay | .85 |
| Clinton | .84 |
| Crittenden | .80 |
| Cumberland | .84 |
| Daviess | .79 |
| Edmonson | .82 |
| Elliott | .84 |
| Estill | .85 |
| Fayette | .83 |
| Fleming | .83 |
| Floyd | .86 |
| Franklin | .81 |
| Fulton | .80 |
| Gallatin | .80 |
| Garrard | .83 |
| Grant | .81 |
| Graves | .81 |
| Grayson | .80 |
| Green | .82 |
| Greenup | .83 |
| Hancock | .79 |
| Hardin | .80 |
| Harlan | .87 |
| Harrison | .82 |
| Hart | .81 |
| Henderson | .79 |
| Henry | .80 |
| Hickman | .80 |
| Hopkins | .81 |
| Jackson | .84 |
| Jefferson | .79 |
| Clark | .84 |
| Jessamine | .83 |
| Johnson | .85 |
| Kenton | .81 |
| Knott | .87 |
| Knox | .85 |
| Larue | .81 |
| Laurel | .84 |
| Lawrence | .84 |

TABLE IV—continued

State, county, and price per bushel

| Kentucky—Continued | |
|--------------------|-------|
| Lee | \$.86 |
| Leslie | .86 |
| Letcher | .87 |
| Lewis | .83 |
| Lincoln | .83 |
| Livingston | .80 |
| Logan | .82 |
| Lyon | .80 |
| McCracken | .80 |
| McCreary | .84 |
| McLean | .80 |
| Madison | .84 |
| Magoffin | .86 |
| Marion | .81 |
| Marshall | .80 |
| Martin | .85 |
| Mason | .82 |
| Meade | .79 |
| Menifee | .85 |
| Mercer | .82 |
| Metcalfe | .83 |
| Monroe | .84 |
| Montgomery | .84 |
| Morgan | .85 |
| Muhlenberg | .81 |
| Nelson | .80 |
| Nicholas | .83 |
| Ohio | .80 |
| Oldham | \$.79 |
| Owen | .81 |
| Owsley | .85 |
| Pendleton | .81 |
| Perry | .87 |
| Pike | .85 |
| Powell | .85 |
| Pulaski | .83 |
| Robertson | .82 |
| Rockcastle | .83 |
| Rowan | .84 |
| Russell | .83 |
| Scott | .82 |
| Shelby | .80 |
| Simpson | .83 |
| Spencer | .80 |
| Taylor | .82 |
| Todd | .82 |
| Trigg | .81 |
| Trimble | .80 |
| Union | .79 |
| Warren | .82 |
| Washington | .81 |
| Wayne | .84 |
| Webster | .80 |
| Whitley | .85 |
| Wolfe | .86 |
| Woodford | .82 |

Louisiana

| | |
|----------------------|-----|
| Acadia | .85 |
| Allen | .84 |
| Ascension | .88 |
| Assumption | .88 |
| Avoyelles | .86 |
| Beauregard | .83 |
| Bienville | .81 |
| Bossier | .80 |
| Caddo | .80 |
| Calcasieu | .84 |
| Caldwell | .83 |
| Cameron | .84 |
| Catahoula | .85 |
| Clabourne | .81 |
| Concordia | .86 |
| De Soto | .80 |
| East Baton Rouge | .86 |
| East Carroll | .84 |
| East Feliciana | .86 |
| Evangeline | .85 |
| Franklin | .84 |
| Grant | .84 |
| Iberia | .86 |
| Iberville | .87 |
| Jackson | .82 |
| Jefferson | .89 |
| Jefferson Davis | .84 |
| Lafayette | .86 |
| Lafourche | .89 |
| La Salle | .84 |
| Lincoln | .82 |
| Livingston | .87 |
| Madison | .84 |
| Morehouse | .83 |
| Natchitoches | .82 |
| Orleans | .88 |
| Ouachita | .82 |
| Plaquemines | .88 |
| Pointe Coupee | .87 |
| Rapides | .85 |
| Red River | .81 |
| Richland | .83 |
| Sabine | .82 |
| St. Bernard | .88 |
| St. Charles | .89 |
| St. Helena | .87 |
| St. James | .89 |
| St. John the Baptist | .88 |
| St. Landry | .86 |
| St. Martin | .86 |
| St. Mary | .87 |
| St. Tammany | .87 |
| Tangipahoa | .87 |
| Tensas | .85 |
| Terrebonne | .89 |
| Union | .82 |
| Vermilion | .85 |
| Vernon | .83 |
| Washington | .87 |
| Webster | .81 |
| West Baton Rouge | .87 |
| West Carroll | .84 |
| West Feliciana | .86 |
| Winn | .83 |

Maine

| | |
|--------------|-----|
| All counties | .87 |
|--------------|-----|

Maryland

| | |
|--------------|-----|
| All counties | .84 |
|--------------|-----|

Massachusetts

| | |
|--------------|-----|
| All counties | .86 |
|--------------|-----|

Michigan

| | |
|------------|-----|
| Alcona | .80 |
| Alger | .78 |
| Allegan | .75 |
| Alpena | .81 |
| Antrim | .81 |
| Arenac | .79 |
| Baraga | .77 |
| Barry | .76 |
| Bay | .79 |
| Benzie | .80 |
| Berrien | .74 |
| Branch | .76 |
| Calhoun | .76 |
| Cass | .74 |
| Charlevoix | .81 |
| Cheboygan | .81 |
| Chippewa | .80 |
| Clare | .79 |
| Clinton | .77 |
| Crawford | .80 |

TABLE IV—continued

State, county, and price per bushel

| Michigan—Continued | |
|--------------------|-------|
| Delta | \$.77 |
| Dickinson | .77 |
| Eaton | .76 |
| Emmet | .81 |
| Genesee | .79 |
| Gladwin | .79 |
| Gogebic | .75 |
| Grand Traverse | .80 |
| Gratiot | .78 |
| Hillsdale | .77 |
| Houghton | .77 |
| Huron | .80 |
| Ingham | .77 |
| Ionia | .77 |
| Iosco | .80 |
| Iron | .76 |
| Isabella | .79 |
| Jackson | .77 |
| Kalamazoo | .76 |
| Kalkaska | .80 |
| Kent | .77 |
| Keweenaw | .78 |
| Lake | .79 |
| Lapeer | .79 |
| Leelanau | .80 |
| Lenawee | .78 |
| Livingston | .78 |
| Luce | .80 |
| Mackinac | .80 |
| Macomb | .79 |
| Manistee | .80 |
| Marquette | \$.77 |
| Mason | .79 |
| Mecosta | .79 |
| Menominee | .81 |
| Midland | .79 |
| Missaukee | .80 |
| Monroe | .79 |
| Montcalm | .78 |
| Montmorency | .81 |
| Muskegon | .73 |
| Newaygo | .79 |
| Oakland | .79 |
| Oceana | .79 |
| Ogemaw | .80 |
| Ontonagon | .76 |
| Osceola | .79 |
| Oscoda | .80 |
| Otsego | .81 |
| Ottawa | .77 |
| Presque Isle | .81 |
| Roscommon | .80 |
| Saginaw | .78 |
| Saint Clair | .79 |
| St. Joseph | .75 |
| Sanilac | .80 |
| Schoolcraft | .79 |
| Shiawassee | .78 |
| Tuscola | .79 |
| Van Buren | .75 |
| Washtenaw | .78 |
| Wayne | .79 |
| Wexford | .80 |

Minnesota

| | |
|-------------------------------|-----|
| Aitkin | .70 |
| Anoka | .70 |
| Beltrami | .68 |
| Benton | .69 |
| Carlton | .71 |
| Cass | .69 |
| Chisago | .70 |
| Cook | .71 |
| Crow Wing | .69 |
| Hubbard | .68 |
| Isanti | .70 |
| Itasca | .69 |
| Kanabec | .70 |
| Koochiching | .69 |
| Lake | .71 |
| Lake of the Woods | .68 |
| Millie Lacs | .70 |
| Morrison | .69 |
| Pine | .71 |
| Ramsey | .72 |
| Roseau | .67 |
| Saint Louis | .70 |
| Sherburne | .69 |
| Todd | .68 |
| Wadena | .68 |
| Washington | .71 |
| All other counties in area A. | |

Mississippi

| | |
|-----------------|-----|
| Adams | .85 |
| Alcorn | .82 |
| Amite | .86 |
| Attala | .85 |
| Benton | .82 |
| Bolivar | .83 |
| Calhoun | .84 |
| Carroll | .85 |
| Chickasaw | .85 |
| Choctaw | .85 |
| Claiborne | .84 |
| Clarke | .86 |
| Clay | .85 |
| Coahoma | .83 |
| Copiah | .85 |
| Covington | .85 |
| De Soto | .81 |
| Forrest | .86 |
| Franklin | .85 |
| George | .86 |
| Greene | .86 |
| Grenada | .85 |
| Hancock | .86 |
| Harrison | .86 |
| Hinds | .85 |
| Holmes | .85 |
| Humphreys | .84 |
| Issaquena | .83 |
| Itawamba | .84 |
| Jackson | .86 |
| Jasper | .85 |
| Jefferson | .85 |
| Jefferson Davis | .85 |
| Jones | .85 |
| Kemper | .85 |
| Lafayette | .83 |
| Lamar | .86 |
| Lauderdale | .85 |
| Lawrence | .85 |
| Leake | .85 |
| Lee | .84 |
| Leflore | .85 |
| Lincoln | .85 |
| Lowndes | .85 |
| Madison | .85 |
| Marion | .86 |
| Marshall | .82 |
| Monroe | .85 |
| Montgomery | .85 |
| Neshoba | .85 |
| Newton | .85 |
| Noxubee | .85 |
| Oktibbeha | .85 |
| George | .86 |
| Greene | .86 |
| Grenada | .85 |
| Hancock | .86 |
| Harrison | .86 |
| Hinds | .85 |
| Holmes | .85 |
| Humphreys | .84 |
| Issaquena | .83 |
| Itawamba | .84 |
| Jackson | .86 |
| Jasper | .85 |
| Jefferson | .85 |
| Jefferson Davis | .85 |
| Jones | .85 |
| Pearl River | .86 |
| Perry | .86 |
| Pike | .86 |
| Pontotoc | .84 |
| Prentiss | .83 |
| Quitman | .83 |
| Rankin | .85 |
| Scott | .85 |
| Sharkey | .84 |
| Simpson | .85 |
| Smith | .85 |
| Stone | .86 |
| Sunflower | .84 |
| Tallahatchie | .84 |
| Tate | .82 |

TABLE IV—continued

State, county, and price per bushel

Mississippi—Continued

| | | | |
|------------|-------|-----------|-------|
| Tippah | \$.82 | Wayne | \$.85 |
| Tishomingo | .83 | Webster | .85 |
| Tunica | .82 | Wilkinson | .86 |
| Union | .83 | Winston | .85 |
| Walthall | .86 | Yalobusha | .84 |
| Warren | .84 | Yazoo | .85 |
| Washington | .83 | | |

Missouri

| | | | |
|----------------|-----|-------------------------------|-----|
| Audrain | .74 | Marles | .76 |
| Barry | .74 | Miller | .75 |
| Barton | .73 | Mississippi | .80 |
| Bates | .73 | Moniteau | .74 |
| Benton | .74 | Monroe | .73 |
| Bollinger | .79 | Montgomery | .75 |
| Boone | .74 | Morgan | .74 |
| Buchanan | .72 | New Madrid | .80 |
| Butler | .79 | Newton | .73 |
| Caldwell | .72 | Oregon | .78 |
| Callaway | .75 | Osage | .75 |
| Camden | .75 | Ozark | .77 |
| Cape Girardeau | .79 | Pemiscot | .80 |
| Carroll | .72 | Perry | .78 |
| Carter | .78 | Pettis | .73 |
| Cass | .74 | Phelps | .76 |
| Cedar | .73 | Pike | .74 |
| Chariton | .72 | Platte | .73 |
| Christian | .75 | Polk | .74 |
| Clay | .73 | Pulaski | .76 |
| Clinton | .72 | Ralls | .73 |
| Cole | .75 | Randolph | .73 |
| Cooper | .73 | Ray | .73 |
| Crawford | .76 | Reynolds | .78 |
| Dade | .73 | Ripley | .78 |
| Dallas | .75 | St. Charles | .76 |
| Dent | .77 | St. Clair | .73 |
| Douglas | .76 | St. Francois | .77 |
| Dunklin | .80 | St. Genevieve | .77 |
| Franklin | .76 | St. Louis | .76 |
| Gasconade | .75 | Saline | .73 |
| Greene | .74 | Scott | .79 |
| Henry | .73 | Shannon | .77 |
| Hickory | .74 | Stoddard | .79 |
| Howard | .73 | Stone | .75 |
| Howell | .77 | Taney | .76 |
| Iron | .77 | Texas | .77 |
| Jackson | .74 | Vernon | .73 |
| Jasper | .73 | Warren | .75 |
| Jefferson | .76 | Washington | .76 |
| Johnson | .73 | Wayne | .79 |
| Laclede | .76 | Webster | .75 |
| Lafayette | .74 | Wright | .76 |
| Lawrence | .74 | All other counties in area A. | |
| Lincoln | .75 | | |
| McDonald | .74 | | |
| Madison | .78 | | |

Montana

| | | | |
|-----------------|-----|-------------------------------|-----|
| Beaverhead | .65 | Mineral | .63 |
| Big Horn | .63 | Missoula | .63 |
| Broadwater | .60 | Musselshell | .59 |
| Carbon | .64 | Park | .63 |
| Carter | .65 | Powder River | .65 |
| Custer | .61 | Powell | .61 |
| Deer Lodge | .63 | Ravalli | .63 |
| Fallon | .63 | Rosebud | .60 |
| Flathead | .59 | Sanders | .63 |
| Gallatin | .63 | Silver Bow | .63 |
| Golden Valley | .59 | Stillwater | .61 |
| Granite | .63 | Sweet Grass | .62 |
| Jefferson | .61 | Treasure | .60 |
| Lake | .61 | Wheatland | .59 |
| Lewis and Clark | .59 | Yellowstone | .61 |
| Lincoln | .62 | All other counties in area A. | |
| Madison | .65 | | |
| Meagher | .59 | | |

Nebraska

| | | | |
|-----------|-----|----------|-----|
| Adams | .70 | Buffalo | .70 |
| Arthur | .70 | Chase | .72 |
| Banner | .73 | Cherry | .70 |
| Blaine | .70 | Cheyenne | .72 |
| Box Butte | .72 | Custer | .70 |
| Boyd | .67 | Dawes | .71 |
| Brown | .69 | Dawson | .70 |

TABLE IV—continued

State, county, and price per bushel

Nebraska—Continued

| | | | |
|-----------|-------|-------------------------------|-------|
| Deuel | \$.71 | Lincoln | \$.71 |
| Dundy | .72 | Logan | .70 |
| Franklin | .71 | Loup | .70 |
| Frontier | .71 | McPherson | .70 |
| Furnas | .71 | Morrill | .72 |
| Garden | .71 | Perkins | .71 |
| Garfield | .69 | Phelps | .71 |
| Gosper | .71 | Redwillow | .72 |
| Grant | .70 | Rock | .69 |
| Greeley | .69 | Scotts Bluff | .73 |
| Hall | .70 | Sherman | .70 |
| Harian | .71 | Sheridan | .71 |
| Hayes | .71 | Sioux | .72 |
| Hitchcock | .72 | Thomas | .70 |
| Holt | .68 | Valley | .70 |
| Hooker | .70 | Webster | .70 |
| Howard | .69 | Wheeler | .68 |
| Kearney | .71 | All other counties in area A. | |
| Keith | .71 | | |
| Keyapaha | .68 | | |
| Kimball | .73 | | |

Nevada

| | | | |
|-----------|-----|------------|-----|
| Churchill | .79 | Lyon | .79 |
| Clark | .83 | Mineral | .79 |
| Douglas | .79 | Nye | .81 |
| Elko | .78 | Ormsby | .79 |
| Esmeralda | .79 | Pershing | .79 |
| Eureka | .79 | Storey | .79 |
| Humboldt | .78 | Washoe | .79 |
| Lander | .79 | White Pine | .78 |
| Lincoln | .83 | | |

New Hampshire

| | |
|--------------|-----|
| All counties | .87 |
|--------------|-----|

New Jersey

| | |
|--------------|-----|
| All counties | .84 |
|--------------|-----|

New Mexico

| | | | |
|------------|-----|------------|-----|
| Bernalillo | .81 | Mora | .78 |
| Catron | .82 | Otero | .83 |
| Chaves | .80 | Quay | .77 |
| Colfax | .78 | Rio Arriba | .80 |
| Curry | .78 | Roosevelt | .79 |
| De Baca | .79 | Sandoval | .80 |
| Dona Ana | .83 | San Juan | .82 |
| Eddy | .82 | San Miguel | .78 |
| Grant | .83 | Santa Fe | .79 |
| Guadalupe | .79 | Sierra | .82 |
| Harding | .78 | Socorro | .81 |
| Hidalgo | .83 | Taos | .79 |
| Lea | .80 | Torrance | .80 |
| Lincoln | .82 | Union | .77 |
| Luna | .83 | Valencia | .82 |
| McKinley | .82 | | |

New York

| | | | |
|-------------|-----|--------------------|-----|
| Allegany | .83 | Oneida | .84 |
| Broome | .84 | Onondaga | .84 |
| Cattaraugus | .83 | Ontario | .84 |
| Cayuga | .84 | Orleans | .84 |
| Chautauqua | .83 | Oswego | .84 |
| Chemung | .84 | Otsego | .84 |
| Chenango | .84 | Schuyler | .84 |
| Cortland | .84 | Seneca | .84 |
| Delaware | .84 | Steuben | .84 |
| Erie | .83 | Sullivan | .84 |
| Genesee | .84 | Tioga | .84 |
| Herkimer | .84 | Tompkins | .84 |
| Jefferson | .84 | Wayne | .84 |
| Lewis | .84 | Wyoming | .84 |
| Livingston | .84 | Yates | .84 |
| Madison | .84 | All other counties | .85 |
| Monroe | .84 | | |
| Niagara | .83 | | |

North Carolina

| | | | |
|-----------|-----|-----------|-----|
| Alamance | .88 | Burke | .88 |
| Alexander | .88 | Caldwell | .88 |
| Alleghany | .87 | Camden | .87 |
| Ashe | .87 | Caswell | .88 |
| Avery | .88 | Cherokee | .88 |
| Beaufort | .88 | Chowan | .87 |
| Bertie | .87 | Clay | .88 |
| Buncombe | .88 | Currutuck | .87 |

TABLE IV—continued

State, county, and price per bushel

North Carolina—Continued

| | | | |
|-------------|-------|--------------------|-------|
| Dare | \$.87 | Orange | \$.88 |
| Davidson | .88 | Pasquotank | .87 |
| Davie | .88 | Perquimans | .87 |
| Durham | .88 | Person | .88 |
| Edgecombe | .88 | Pitt | .83 |
| Forsyth | .87 | Polk | .88 |
| Franklin | .88 | Rockingham | .87 |
| Gates | .87 | Rutherford | .88 |
| Graham | .88 | Stokes | .87 |
| Granville | .88 | Surry | .87 |
| Guilford | .88 | Swain | .88 |
| Halifax | .87 | Transylvania | .88 |
| Haywood | .88 | Tyrrell | .87 |
| Henderson | .88 | Vance | .83 |
| Hertford | .87 | Warren | .87 |
| Hyde | .88 | Washington | .87 |
| Jackson | .88 | Watauga | .88 |
| McDowell | .88 | Wilkes | .88 |
| Macon | .88 | Wilson | .88 |
| Madison | .88 | Yadkin | .88 |
| Martin | .87 | Yancy | .88 |
| Mitchell | .88 | All other counties | .89 |
| Nash | .88 | | |
| Northampton | .87 | | |

North Dakota

All counties in Area A.

Ohio

| | | | |
|------------|-----|------------|-----|
| Adams | .83 | Licking | .81 |
| Allen | .78 | Logan | .80 |
| Ashland | .81 | Lorain | .81 |
| Ashtabula | .82 | Lucas | .79 |
| Athens | .81 | Madison | .81 |
| Auglaize | .79 | Mahoning | .82 |
| Belmont | .82 | Marion | .81 |
| Brown | .82 | Medina | .81 |
| Butler | .80 | Meigs | .81 |
| Carroll | .82 | Mercer | .78 |
| Champaign | .80 | Miami | .80 |
| Clark | .80 | Monroe | .82 |
| Clermont | .81 | Montgomery | .80 |
| Clinton | .81 | Morgan | .81 |
| Columbiana | .82 | Morrow | .81 |
| Coshocton | .81 | Muskingum | .81 |
| Crawford | .81 | Noble | .82 |
| Cuyahoga | .81 | Ottawa | .80 |
| Darke | .79 | Paulding | .77 |
| Defiance | .77 | Perry | .81 |
| Delaware | .81 | Pickaway | .81 |
| Erie | .81 | Pike | .82 |
| Fairfield | .81 | Portage | .81 |
| Fayette | .81 | Preble | .79 |
| Franklin | .81 | Putnam | .78 |
| Fulton | .78 | Richland | .81 |
| Gallia | .82 | Ross | .81 |
| Geauga | .81 | Sandusky | .80 |
| Greene | .81 | Scioto | .83 |
| Guernsey | .81 | Seneca | .80 |
| Hamilton | .81 | Shelby | .79 |
| Hancock | .79 | Stark | .81 |
| Hardin | .79 | Summit | .81 |
| Harrison | .82 | Trumbull | .82 |
| Henry | .78 | Tuscarawas | .81 |
| Highland | .82 | Union | .81 |
| Hocking | .81 | Van Wert | .77 |
| Holmes | .81 | Vinton | .81 |
| Huron | .81 | Warren | .81 |
| Jackson | .82 | Washington | .82 |
| Jefferson | .82 | Wayne | .81 |
| Knox | .81 | Williams | .77 |
| Lake | .81 | Wood | .79 |
| Lawrence | .83 | Wyandot | .80 |

Oklahoma

| | | | |
|----------|-----|-----------|-----|
| Adair | .74 | Cimarron | .76 |
| Alfalfa | .72 | Cleveland | .74 |
| Atoka | .76 | Coal | .75 |
| Beaver | .74 | Comanche | .74 |
| Beckham | .74 | Cotton | .74 |
| Blaine | .73 | Craig | .73 |
| Bryan | .76 | Creek | .73 |
| Caddo | .74 | Custer | .74 |
| Canadian | .73 | Delaware | .74 |
| Carter | .75 | Dewey | .73 |
| Cherokee | .74 | Ellis | .73 |
| Choctaw | .77 | Garfield | .72 |

TABLE IV—continued

State, county, and price per bushel

Oklahoma—Continued

| | | | |
|------------|-------|-------------|-------|
| Garvin | \$.74 | Noble | \$.72 |
| Grady | .74 | Nowata | .72 |
| Grant | .72 | Okfuskee | .73 |
| Greer | .74 | Oklahoma | .73 |
| Harmon | .74 | Okmulgee | .73 |
| Harper | .73 | Osage | .72 |
| Haskell | .75 | Ottawa | .73 |
| Hughes | .74 | Pawnee | .72 |
| Jackson | .74 | Payne | .73 |
| Jefferson | .75 | Pittsburg | .75 |
| Johnson | .75 | Pontotoc | .74 |
| Kay | .72 | Pottawato- | |
| Kingfisher | .73 | mie | .74 |
| Kiowa | .74 | Pushmataha | .76 |
| Latimer | .76 | Roger Mills | .74 |
| Le Flore | .76 | Rogers | .72 |
| Lincoln | .73 | Seminole | .74 |
| Logan | .73 | Sequoyah | .75 |
| Love | .75 | Stephens | .74 |
| McClain | .74 | Texas | .75 |
| McCurtain | .77 | Tillman | .74 |
| McIntosh | .74 | Tulsa | .73 |
| Major | .72 | Wagoner | .73 |
| Marshall | .75 | Washington | .72 |
| Mayes | .73 | Washita | .74 |
| Murray | .75 | Woods | .72 |
| Muskogee | .74 | Woodward | .72 |

Oregon

| | | | |
|------------|-----|-------------|-----|
| Baker | .66 | Klamath | .79 |
| Benton | .68 | Lake | .78 |
| Clackamas | .70 | Lane | .70 |
| Clatsop | .71 | Lincoln | .73 |
| Columbia | .71 | Linn | .68 |
| Coos | .73 | Malheur | .67 |
| Crook | .71 | Marion | .69 |
| Curry | .74 | Multnomah | .71 |
| Deschutes | .71 | Polk | .68 |
| Douglas | .72 | Tillamook | .73 |
| Grant | .67 | Washington | .70 |
| Harney | .68 | Wheeler | .68 |
| Hood River | .70 | Yamhill | .69 |
| Jackson | .73 | All other | |
| Jefferson | .69 | counties in | |
| Josephine | .73 | Area A. | |

Pennsylvania

| | | | |
|------------|-----|------------|------|
| Adams | .83 | Greene | .82 |
| Allegheny | .82 | Huntingdon | .83 |
| Armstrong | .82 | Indiana | .82 |
| Beaver | .82 | Jefferson | .82 |
| Bedford | .83 | Juniata | .83 |
| Blair | .83 | Lawrence | .82 |
| Butler | .82 | McKean | .83 |
| Cambria | .83 | Mercer | .82 |
| Cameron | .83 | Mifflin | .83 |
| Centre | .83 | Perry | .83 |
| Clarion | .82 | Potter | .83 |
| Clearfield | .83 | Somerset | .83 |
| Clinton | .83 | Venango | .82 |
| Crawford | .82 | Warren | .83 |
| Cumberland | .83 | Washington | .82 |
| Elk | .83 | Westmore- | |
| Erie | .82 | land | .82 |
| Fayette | .82 | York | .83 |
| Forest | .82 | All other | |
| Franklin | .83 | counties | .83½ |
| Fulton | .83 | | |

Rhode Island

All counties... .86

South Carolina

| | | | |
|------------|-----|-------------|-----|
| Cherokee | .89 | Spartanburg | .89 |
| Chester | .89 | Union | .89 |
| Greenville | .89 | York | .89 |
| Lancaster | .89 | All other | |
| Oconee | .89 | counties | .90 |
| Pickens | .89 | | |

South Dakota

| | | | |
|-----------|-----|------------|-----|
| Armstrong | .65 | Fall River | .70 |
| Bennett | .70 | Gregory | .67 |
| Butte | .66 | Haakon | .67 |
| Corson | .65 | Harding | .65 |
| Custer | .69 | Jackson | .68 |
| Dewey | .65 | Jones | .67 |

TABLE IV—continued

State, county, and price per bushel

South Dakota—Continued

| | | | |
|------------|-------|-------------|-------|
| Lawrence | \$.67 | Todd | \$.69 |
| Lyman | .67 | Tripp | .67 |
| Meade | .66 | Washabaugh | .69 |
| Mellette | .68 | Washington | .69 |
| Pennington | .68 | Ziebach | .66 |
| Perkins | .65 | All other | |
| Shannon | .70 | counties in | |
| Stanley | .66 | Area A. | |

Tennessee

| | | | |
|------------|-----|------------|-----|
| Anderson | .87 | Lauderdale | .80 |
| Bedford | .86 | Lawrence | .85 |
| Benton | .83 | Lewis | .85 |
| Bledsoe | .87 | Lincoln | .86 |
| Blount | .88 | Loudon | .88 |
| Bradley | .88 | McMinn | .87 |
| Campbell | .86 | McNairy | .82 |
| Cannon | .85 | Macon | .84 |
| Carroll | .82 | Madison | .81 |
| Carter | .88 | Marion | .87 |
| Cheatham | .84 | Marshall | .85 |
| Chester | .82 | Maury | .85 |
| Claborn | .86 | Meigs | .87 |
| Clay | .84 | Monroe | .88 |
| Cocke | .88 | Montgomery | .83 |
| Coffee | .86 | Moore | .86 |
| Crockett | .81 | Morgan | .83 |
| Cumberland | .86 | Obion | .80 |
| Davidson | .84 | Overton | .85 |
| Decatur | .83 | Perry | .84 |
| De Kalb | .85 | Pickett | .85 |
| Dickson | .84 | Polk | .88 |
| Dyer | .80 | Putnam | .85 |
| Fayette | .81 | Rhea | .87 |
| Fentress | .85 | Roane | .87 |
| Franklin | .87 | Robertson | .83 |
| Gibson | .81 | Rutherford | .85 |
| Giles | .86 | Scott | .86 |
| Grainger | .87 | Sequatchie | .87 |
| Greene | .88 | Sevier | .88 |
| Grundy | .86 | Shelby | .80 |
| Hamblen | .88 | Smith | .84 |
| Hamilton | .87 | Stewart | .82 |
| Hancock | .87 | Sullivan | .87 |
| Hardeman | .82 | Sumner | .83 |
| Hardin | .83 | Tipton | .80 |
| Hawkins | .87 | Trousdale | .84 |
| Haywood | .81 | Unicoi | .88 |
| Henderson | .82 | Union | .87 |
| Henry | .82 | Van Buren | .86 |
| Hickman | .84 | Warren | .85 |
| Houston | .83 | Washington | .88 |
| Humphreys | .83 | Wayne | .84 |
| Jackson | .84 | Weakley | .81 |
| Jefferson | .88 | White | .85 |
| Johnson | .87 | Williamson | .85 |
| Knox | .87 | Wilson | .84 |
| Lake | .80 | | |

Texas

| | | | |
|-----------|-----|---------------|-----|
| Anderson | .78 | Caldwell | .80 |
| Andrews | .80 | Calhoun | .84 |
| Angelina | .80 | Callahan | .76 |
| Aransas | .84 | Cameron | .85 |
| Archer | .75 | Camp | .78 |
| Armstrong | .76 | Carson | .74 |
| Atascosa | .83 | Cass | .79 |
| Austin | .81 | Castro | .77 |
| Bailey | .79 | Chambers | .83 |
| Bandera | .81 | Cherokee | .78 |
| Bastrop | .79 | Childress | .75 |
| Baylor | .75 | Clay | .75 |
| Bee | .84 | Cochran | .79 |
| Bell | .77 | Coke | .77 |
| Bexar | .82 | Coleman | .77 |
| Blanco | .79 | Collins | .76 |
| Borden | .78 | Collingsworth | .74 |
| Bosque | .76 | Colorado | .81 |
| Bowie | .78 | Comal | .81 |
| Brazoria | .83 | Comanche | .76 |
| Brazos | .80 | Concho | .77 |
| Brewster | .83 | Cooke | .76 |
| Briscoe | .76 | Coryell | .76 |
| Brooks | .85 | Cottle | .76 |
| Brown | .76 | Crane | .81 |
| Burleson | .79 | Crockett | .80 |
| Burnet | .78 | Crosby | .77 |

TABLE IV—continued

State, county, and price per bushel

Texas—Continued

| | | | |
|------------|-------|--------------|-------|
| Culberson | \$.84 | LaSalle | \$.84 |
| Dallam | .76 | Lavaca | .81 |
| Dallas | .76 | Lee | .79 |
| Dawson | .79 | Leon | .79 |
| Deaf Smith | .77 | Liberty | .82 |
| Delta | .77 | Limestone | .78 |
| Denton | .76 | Lipscomb | .74 |
| De Witt | .82 | Live Oak | .84 |
| Dickens | .76 | Llano | .78 |
| Dimmit | .84 | Loving | .82 |
| Donley | .75 | Lubbock | .77 |
| Duval | .85 | Lynn | .78 |
| Eastland | .76 | McCulloch | .77 |
| Ector | .81 | McLennan | .77 |
| Edwards | .80 | McMullen | .84 |
| Ellis | .77 | Madison | .80 |
| El Paso | .84 | Marion | .79 |
| Erath | .76 | Martin | .79 |
| Falls | .73 | Mason | .78 |
| Fannin | .77 | Matagorda | .83 |
| Fayette | .80 | Maverick | .84 |
| Fisher | .76 | Medina | .82 |
| Floyd | .76 | Menard | .78 |
| Foard | .75 | Midland | .80 |
| Fort Bend | .82 | Milan | .78 |
| Franklin | .78 | Mills | .76 |
| Freestone | .78 | Mitchell | .77 |
| Frio | .83 | Montague | .75 |
| Gaines | .80 | Montgomery | .82 |
| Galveston | .83 | Moore | .75 |
| Garza | .77 | Morris | .78 |
| Gillespie | .79 | Motley | .76 |
| Glasscock | .79 | Nacogdoches | .79 |
| Goliad | .84 | Navarro | .78 |
| Gonzales | .81 | Newton | .82 |
| Gray | .74 | Nolan | .76 |
| Grayson | .76 | Nueces | .84 |
| Gregg | .79 | Ochiltree | .74 |
| Grimes | .81 | Oldham | .76 |
| Guadalupe | .81 | Orange | .83 |
| Hale | .77 | Palo Pinto | .75 |
| Hall | .75 | Panola | .80 |
| Hamilton | .76 | Parker | .75 |
| Hansford | .74 | Parmer | .78 |
| Hardeman | .75 | Pecos | .82 |
| Hardin | .82 | Polk | .81 |
| Harris | .82 | Potter | .75 |
| Harrison | .79 | Presidio | .84 |
| Hartley | .76 | Rains | .77 |
| Haskell | .76 | Randall | .76 |
| Hays | .80 | Reagan | .79 |
| Hemphill | .74 | Real | .81 |
| Henderson | .78 | Red River | .78 |
| Hidalgo | .85 | Reeves | .83 |
| Hill | .77 | Refugio | .84 |
| Hockley | .78 | Roberts | .74 |
| Hood | .76 | Robertson | .79 |
| Hopkins | .77 | Rockwall | .77 |
| Houston | .79 | Runnels | .77 |
| Howard | .78 | Rusk | .79 |
| Hudspeth | .84 | Sabine | .81 |
| Hunt | .77 | San August- | |
| Hutchinson | .74 | tine | .81 |
| Irion | .78 | San Jacinto | .81 |
| Jack | .75 | San Patricio | .84 |
| Jackson | .82 | San Saba | .77 |
| Jasper | .82 | Schleicher | .78 |
| Jeff Davis | .84 | Scurry | .77 |
| Jefferson | .83 | Shackelford | .76 |
| Jim Hogg | .85 | Shelby | .81 |
| Jim Wells | .85 | Sherman | .75 |
| Johnson | .77 | Smith | .78 |
| Jones | .76 | Somervell | .76 |
| Karnes | .83 | Star | .85 |
| Kaufman | .77 | Stephens | .76 |
| Kendall | .80 | Sterling | .78 |
| Kenedy | .85 | Stonewall | .77 |
| Kent | .77 | Sutton | .79 |
| Kerr | .80 | Swisher | .77 |
| Kimble | .79 | Tarrant | .73 |
| King | .76 | Taylor | .73 |
| Kinney | .82 | Terrell | .82 |
| Kleberg | .85 | Terry | .79 |
| Knox | .76 | Throck- | |
| Lamar | .77 | morton | .75 |
| Lamb | .78 | Titus | .75 |
| Lampasas | .77 | Tom Green | .77 |

TABLE IV—Continued

State, county, and price per bushel

Texas—Continued

| | | | |
|------------|-------|------------|-------|
| Travis | \$.79 | Wharton | \$.82 |
| Trinity | .80 | Wheeler | .74 |
| Tyler | .81 | Wichita | .76 |
| Upshur | .78 | Wilbarger | .75 |
| Upton | .80 | Willacy | .85 |
| Uvalde | .82 | Williamson | .78 |
| Val Verde | .81 | Wilson | .82 |
| Van Zandt | .77 | Winkler | .82 |
| Victoria | .83 | Wise | .75 |
| Walker | .81 | Wood | .78 |
| Waller | .81 | Yoakum | .80 |
| Ward | .82 | Young | .75 |
| Washington | .80 | Zapata | .85 |
| Webb | .85 | Zavala | .83 |

Utah

| | | | |
|-----------|-----|-------------------------------|-----|
| Beaver | .78 | San Juan | .79 |
| Carbon | .77 | Sanpete | .77 |
| Daggett | .76 | Sevier | .78 |
| Davis | .75 | Summit | .76 |
| Duchesne | .76 | Tooele | .76 |
| Emery | .78 | Uintah | .76 |
| Garfield | .79 | Utah | .76 |
| Grand | .77 | Wasatch | .76 |
| Iron | .79 | Washington | .79 |
| Juab | .77 | Wayne | .78 |
| Kane | .79 | Weber | .75 |
| Millard | .77 | All other counties in Area A. | |
| Morgan | .74 | | |
| Plute | .78 | | |
| Salt Lake | .75 | | |

Vermont

| | |
|--------------|-----|
| All counties | .86 |
|--------------|-----|

Virginia

| | | | |
|---------------|-----|--------------------|-----|
| Bland | .85 | Patrick | .86 |
| Brunswick | .86 | Pittsylvania | .86 |
| Buchanan | .85 | Prince Edward | .85 |
| Campbell | .85 | Prince George | .85 |
| Carroll | .86 | Princess Anne | .86 |
| Charlotte | .86 | Russell | .86 |
| Dickenson | .86 | Scott | .87 |
| Dinwiddie | .85 | Smyth | .86 |
| Floyd | .85 | Southampton | .86 |
| Franklin | .85 | Surry | .85 |
| Grayson | .86 | Sussex | .85 |
| Greensville | .86 | Tazewell | .85 |
| Halifax | .87 | Washington | .87 |
| Henry | .86 | Wise | .87 |
| Isle of Wight | .85 | Wythe | .85 |
| Lee | .87 | All other counties | .84 |
| Lunenburg | .86 | | |
| Mecklenburg | .87 | | |
| Nansemond | .86 | | |
| Norfolk | .86 | | |
| Nottaway | .85 | | |

Washington

| | | | |
|--------------|-----|-------------------------------|-----|
| Chelan | .67 | Pacific | .72 |
| Clallan | .74 | Pend Oreille | .63 |
| Clark | .71 | Pierce | .71 |
| Cowlitz | .71 | San Juan | .70 |
| Ferry | .64 | Skagit | .71 |
| Grays Harbor | .72 | Skamania | .69 |
| Island | .70 | Snohomish | .71 |
| Jefferson | .74 | Stevens | .64 |
| King | .71 | Thurston | .71 |
| Kitsap | .69 | Wahkiakum | .71 |
| Klickitat | .67 | Whatcom | .71 |
| Lewis | .71 | Yakima | .68 |
| Mason | .72 | All other counties in Area A. | |
| Okanogan | .67 | | |

West Virginia

| | | | |
|-----------|-----|----------|-----|
| Brooke | .82 | Jackson | .82 |
| Cabell | .82 | Kanawha | .82 |
| Calhoun | .83 | Lincoln | .83 |
| Clay | .83 | Logan | .85 |
| Doddridge | .83 | McDowell | .85 |
| Fayette | .83 | Marion | .83 |
| Gilmer | .83 | Marshall | .82 |
| Hancock | .82 | Mason | .82 |

TABLE IV—Continued

State, county, and price per bushel

West Virginia—Continued

| | | | |
|------------|-------|--------------------|-------|
| Mercer | \$.85 | Roane | \$.82 |
| Mingo | .85 | Tyler | .83 |
| Monongalia | .83 | Wetzel | .83 |
| Ohio | .82 | Wirt | .82 |
| Pleasants | .82 | Wood | .82 |
| Preston | .83 | Wyoming | .85 |
| Putnam | .82 | All other counties | .84 |
| Ritchie | .83 | | |

Wisconsin

| | | | |
|------------|-----|-------------------------------|-----|
| Ashland | .73 | Oconto | .73 |
| Barron | .71 | Oneida | .75 |
| Bayfield | .72 | Outagamie | .73 |
| Brown | .73 | Polk | .71 |
| Burnett | .72 | Portage | .72 |
| Chippewa | .71 | Price | .74 |
| Clark | .72 | Rusk | .72 |
| Door | .73 | St. Croix | .70 |
| Douglas | .71 | Sawyer | .73 |
| Dunn | .70 | Shawano | .73 |
| Eau Claire | .71 | Taylor | .73 |
| Florence | .76 | Vilas | .75 |
| Forest | .75 | Washburn | .72 |
| Iron | .74 | Waupaca | .73 |
| Kewaunee | .73 | Wood | .72 |
| Langlade | .74 | All other counties in Area A. | |
| Lincoln | .74 | | |
| Marathon | .73 | | |
| Marquette | .75 | | |

Wyoming

| | | | |
|-------------|-----|---------------|-----|
| Albany | .75 | Niobrara | .71 |
| Big Horn | .66 | Park | .66 |
| Campbell | .66 | Platte | .73 |
| Carbon | .76 | Sheridan | .66 |
| Converse | .71 | Sublette | .71 |
| Crook | .66 | Sweetwater | .76 |
| Fremont | .71 | Teton | .69 |
| Goshen | .73 | Uinta | .73 |
| Hot Springs | .69 | Washakie | .69 |
| Johnson | .67 | Weston | .68 |
| Laramie | .73 | Yellowstone | |
| Lincoln | .71 | National Park | .66 |
| Natrona | .71 | | |

This regulation shall become effective May 28, 1945.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

Approved: May 12, 1945.

GROVER B. HILL,
First Assistant
War Food Administrator.

[F. R. Doc. 45-8746; Filed, May 23, 1945; 4:44 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17, Amdt. 99]

SHOES

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

Ration Order 17 is amended in the following respects:

18 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340, 8931, 9355, 9901, 10589, 10984, 10985, 11638, 11763, 12039, 12271, 12812, 13134, 13067, 13992, 14017, 14496; 10 F.R. 521, 1103, 1649, 1739, 2014, 2757, 3014.

1. Section 2.7 (e) is deleted.
2. Section 3.5 (a) (2), (3) and (4) are amended to read as follows:

(2) Shoes may be exported to any foreign country, other than Canada, under an individual, special program or special project license issued by the Foreign Economic Administration.

(3) Shoes having a declared value of \$25 or more may be exported to Canada under a purchase order approved by the Canadian Administrator of Wholesale Trade. Shoes having a declared value of less than \$25 may be exported to Canada by a registered establishment without prior approval if the shoes are exported by mail, parcel post, express, or other common carrier or are shoes exported through the Department of State.

(4) Shoes may be sent to any Army or Fleet Post Office address or to the address of any representative of the United States residing in a foreign country, by a registered establishment, without prior approval from any person or agency.

3. Section 3.5 (b) is amended to read as follows:

(b) Shoes acquired by an exempt person or agency in a way permitted by section 3.6, may be exported without further approval.

This amendment shall become effective May 23, 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8744; Filed, May 23, 1945; 4:44 p. m.]

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60, Amdt. 14]

DIRECT CONSUMPTION SUGARS

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.

Section 1334.51 (c) is amended to read as follows:

(c) Sales to the Commodity Credit Corporation for the account of Lend-Lease and to the United States Army or Navy procurement agencies by refineries located on the Atlantic Seaboard and in the States of Louisiana and Texas shall be exempted from the provisions of paragraph (a) (3). On such sales the maximum f. o. b. basis price at seller's refinery may be collected regardless of the amount of further transportation costs paid by the buyer or the point to which the sugar may be moved.

This amendment shall become effective May 23, 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8743; Filed, May 23, 1945; 4:44 p. m.]

17 F.R. 1320, 2132, 2510, 5664, 6737, 8928, 8948; 8 F.R. 5809, 6044, 6424, 9288, 10079; 9 F.R. 5802, 10707, 13757.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

(Rev. RO 1B)

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

Ration Order 1B is redesignated Revised Ration Order 1B and is revised to read as set forth below:

Preamble: This Revised Ration Order 1B for Puerto Rico is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to Study the Rubber Situation.

The Committee's report states:

We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't * * * only actual needs, not fancied wants, can or should be satisfied."

This Revised Ration Order 1B has been geared to the Gasoline Rationing Regulations for Puerto Rico and puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.

2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles.

3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour.

4. Compulsory periodic tire inspection.

The Mileage Rationing: Tire Regulations (Revised Ration Order 1B) control the use, care and acquisition of tires, tubes and recapping services for all types and classes of rubber-borne motor vehicles and are adjusted to conform to local transportation conditions in Puerto Rico.

§ 1315.14 *Mileage rationing: tire regulations for Puerto Rico.* Under the authority vested in the Office of Price Administration and the Price Administrator by War Production Board Directive No. 1, issued January 24, 1942, Supplementary Directive 1-J, as amended, October 27, 1942; Supplementary Directive 1-Q, as amended, February 15, 1943; and Revised General Order No. 20, February 26, 1943, this Revised Ration Order 1B (Mileage Rationing: Tire Regulations for Puerto Rico) which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—INTRODUCTION

- Sec.
1.1 Territorial limitations.
1.2 Effect on other ration orders.
1.3 Definitions.
1.4 Administration and personnel.
1.5 Jurisdiction of Boards.
1.6 Quotas.

ARTICLE II—SPECIAL PROVISIONS

- 2.1 General proof of need.
2.2 Eligibility of passenger automobile.
2.3 Additional proof of need for commercial motor vehicle.
2.4 Eligibility of commercial motor vehicle.
2.5 Eligibility of farm implement, industrial equipment, non-highway vehicle and animal-drawn vehicle.
2.6 Eligibility for allotment of tires.
2.7 Issuance of certificates by the Director.
2.8 Applications.
2.9 Filing of application.
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2.11 Investigation of facts by Boards.
2.12 Notation of reasons for action.
2.13 Form of certificates to be issued.
2.14 Certificates non-transferable.
2.15 Execution and issuance of certificate.
2.16 Action by certificate holders.
2.17 Action by suppliers.
2.18 Splitting of certificates.
2.19 Revocation of certificates.
2.20 Revocation of certificates issued by mistake.
2.21 Revocation of certificate or declaration of ineligibility after hearing.
2.22 Periodic inspection.
2.23 Inspection of tire transferred.
2.24 Compensation to be paid for inspection.
2.25 Shifting of tires.
2.26 Replacement of lost tire inspection records.
2.27 Prohibition.
2.28 Mounting or use of tires.
2.29 Transfer to consumers upon certificate.
2.30 Dealer transfers.
2.31 Acquisition for retransfer purposes.
2.32 Transfers without certificate, special authorization or notice.
2.33 Transfers to certain Government agencies.
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ARTICLE III—GENERAL PROVISIONS

- 3.1 Posting names of successful applicants.
3.2 Disposition of parts of certificates and receipts.
3.3 Records and reports of transfers.
3.4 Inventories of sellers of tires and vehicles.
3.5 Preservation and filing of records.
3.6 Notice of legal proceedings.
3.7 Report of violations.
3.8 Decision of Boards.
3.9 Who may appeal.
3.10 Procedure.
3.11 Criminal prosecution.
3.12 Suspension orders.

AUTHORITY: § 1315.14 issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421 and 729, 77th Cong., D.O. 9125, 7 F.R. 2719, W. P. B. Directive No. 1, Supp. Dir. No. 1-J, as amended, 7 F.R. 562, 5043, 8731; Supp. Dir. No. 1-Q, as amended, 8 F.R. 2013, Rev. General Order No. 20, 8 F.R. 2516.

ARTICLE I—INTRODUCTION

SECTION 1.1 *Territorial limitations.* Revised Ration Order No. 1B shall apply to the Territory of Puerto Rico.

SEC. 1.2 *Effect on other ration orders.* (a) Revised Ration Order No. 1B 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.

(b) Revised Ration Order No. 1B (§ 1315.14) supersedes the Revised Tire Rationing Regulations¹ insofar as applicable to the Territory of Puerto Rico: *Provided, however,* That any violations which occurred prior to the effective date of this Revised Ration Order No. 1B shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred.

SEC. 1.3 *Definitions.* (a) For the purpose of this Revised Ration Order No. 1B:

(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 a motor vehicle, built or rebuilt primarily for the purpose of carrying passengers, licensed by the Insular Government of Puerto Rico to carry passengers for hire, and having a rated seating capacity of ten or more persons, including a station wagon operating over a regular route on a regular schedule under a certificate of necessity and convenience issued by the Public Service Commission of Puerto Rico.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate", unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire.

(6) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 34.

(7) "Commercial motor vehicles" means a straight truck, a combination truck-tractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, propelled or drawn by mechanical power and built or rebuilt or used primarily for the purpose of transporting property; and any bus, taxicab, publico, or other rubber-tired vehicle, excluding a motorcycle, propelled or drawn by mechanical power and used or licensed for use in the transportation of persons upon the highways for hire, or available for public rental, including ambulances and hearses.

(8) "Consumer" means any person who holds or acquires a tire for use and not for resale.

(9) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes, or camelback.

(10) "Director" means the Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act in his place, or any person to whom he may delegate his authority to act hereunder.

(11) "Grade I," as applied to tires, means a new passenger-type tire other than a Grade III tire.

(12) "Grade III," as applied to tires, means a passenger-type tire which is

¹ 7 F.R. 72.

either a used or recapped tire or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(13) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, including a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(14) "Manufacturer" means a person engaged in the business of manufacturing tires, tubes, or camelback.

(15) "Mold" means any recapping mold or any curing table or curing chamber designed to recap a tire.

(16) "New", as applied to tires, means a tire that has been used less than 1,000 miles.

(17) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse, taxicab, publico, or vehicle used or licensed for use in the transportation of persons on the highways for hire) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including any motorcycle, non-commercial station wagon and suburban carry-all regardless of seating capacity.

(18) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(19) "Person" means any individual, partnership, corporation, association, government, government agency or subdivision thereof, or any other organized group or enterprise.

(20) "Publico" or "public car" means any passenger motor vehicle duly licensed by the Insular Government of Puerto Rico as a public car and authorized by the Public Service Commission to carry passengers for hire.

(21) "Recapper" means any person engaged in the business of recapping.

(22) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(23) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(24) "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.

(25) "Taxicab" means a taxicab authorized as such by a Certificate of Necessity and Convenience issued by the Public Service Commission.

(26) "Tire" means any 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.

(27) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(28) "Truck" means any vehicle designed for use on the highways to transport freight, or designed for use for road-grading, earth-moving, or other off-the-road purposes.

(29) "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.

(30) "Used," as applied to tires, means any tire which has been used 1,000 miles or more.

(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.

SEC. 1.4 Administration and personnel—(a) Personnel. Revised Ration Order No. 1B shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Revised Ration Order No. 1B 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 official. No person participating in the administration of Revised Ration Order No. 1B 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. 1.5 Jurisdiction of Boards. (a) A Board shall have jurisdiction to receive and act upon applications with respect to:

(1) A vehicle normally stationed or garaged within the area served by the Board.

SEC. 1.6 Quotas—(a) Quota not to be exceeded by Boards. No Board shall issue in any one month a certificate for the acquisition of tires in excess of its quota established for that month 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 be governed, in determining which of the competing applications are to be granted, by the relative importance of the operation of each such vehicle to the war effort, public health and public safety. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires are sought, 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.

(c) Spare tires. Except as herein provided, no Board shall issue a certificate for a spare tire for a passenger automobile except between the 23rd and the last day of any month, and then only if there are no pending unsatisfied applications for passenger-type tires for running wheels; *Provided, however*, That a Board may issue a certificate for a spare tire for use with a passenger automobile-owned, leased or used exclusively by the Red Cross, or the Office of Civilian Defense, or by a doctor or surgeon who meets the eligibility requirements contained in section 2.2 (d) (1) of this ration order, or for use with a passenger

automobile owned and used exclusively by the Federal or Insular government for maintaining fire-fighting services or in investigations or patrolling necessary to the maintenance of public police services, at any time if the Board is satisfied that a spare tire is essential to the operation of such vehicle. A Board may likewise issue a certificate for a spare tire to an applicant for a commercial motor vehicle eligible under section 2.4 (a) (List A) at any time if the Board is satisfied that a spare tire is essential to the operation of such vehicle.

ARTICLE II—SPECIAL PROVISIONS

Proof of Need and Eligibility

SEC. 2.1 General proof of need. (a) No Board shall grant a certificate authorizing any consumer to acquire a tire, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 2.2, 2.4, or 2.5 and in addition meets each of the following conditions:

(1) Immediate need. That the tire for which application is made is to equip a vehicle held for use and not for resale and is:

(i) To replace a tire which cannot be repaired or recapped, except as provided in section 2.2 (d).

(ii) To replace a lost or stolen tire; or

(iii) To equip a vehicle which requires tires because of alteration or reconstruction; or

(iv) To replace a tire delivered as original equipment upon a vehicle, if the tire is not serviceable for the use to which the vehicle is to be put.

(2) No abuse or neglect. That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire which he seeks to replace. The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty (30) miles per hour; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to obtain timely recapping service, failure to replace a tire as promptly as possible, or driving for unnecessary purposes or when other means of transportation are available.

(3) Unlawful mileage. That the applicant has not used the tires which he seeks to replace on a vehicle which has been used for purposes prohibited by Revised Ration Order No. 5E² or for mileage in excess of that allowed by Revised Ration Order No. 5E.

(4) 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.

² 8 F.R. 9975, 16033; 9 F.R. 397, 1321, 2240, 5165, 8055, 11541, 13587; 10 F.R. 254.

(5) *i. available tire or other vehicle.*
 (i) That the applicant, other than a Federal, Insular, municipal or foreign government or government agency, does not own or control a tire, other than tires 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 sought to be replaced. In computing the number of tires owned or controlled, applicant need not include tires reported on OPA Form R-17, R-17 (Revised) or PRR-17, or tires in a public warehouse and removable only upon certificate.

(ii) That the vehicle for which application is made cannot be replaced by another vehicle owned or operated by, or under the control of the applicant, and which is already equipped with serviceable tires.

(6) *Tire inspection.* That the applicant has declared all his tires upon a Tire Inspection Record, as required by Revised Ration Order IB and that the applicant's Tire Inspection Record has been signed by an authorized tire inspector showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such Record or the applicant has Part D of a certificate authorizing acquisition of such tire. A Board may waive the requirement that the applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the vehicle made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires upon the vehicle. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a Tire Inspection Record under section 2.23.

(7) *Gasoline ration.* That, if application is made to equip a passenger automobile, the applicant has a gasoline ration currently valid under Revised Ration Order No. 5E unless such passenger automobile is not driven by gasoline.

SEC. 2.2. Eligibility of passenger automobile—(a) *Reconsideration of gasoline ration.* When application is made for a tire for a passenger automobile, the Board shall reconsider the applicant's gasoline ration before passing upon his application. Such reconsideration shall be made as follows:

(1) *Basic ration.* When only a Basic gasoline ration has been issued for the passenger automobile, the applicant shall set forth in his application for tires, in addition to such other information as may be required, information concerning the uses to be made of the passenger automobile.

(2) *Supplemental ration.* If the applicant has a current Supplemental ration, the Board shall reconsider the application for such ration for such vehicle, if available at the Board. If such application is not available at the Board, the applicant shall provide such information as to his occupation and mileage requirements as the Board may require.

(3) *Fleet ration.* When application is made for a tire for a fleet passenger automobile, the Board shall reconsider the application for the current Fleet ration, if available at the Board. If such application is not available at the Board, the applicant shall provide such information as to the use and mileage requirements of such vehicle as the Board may require.

(b) *Redetermination of supplemental or fleet ration.* If upon reconsideration of the gasoline ration as provided in paragraphs (a) (2) and (a) (3) of this section, the Board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Revised Ration Order No. 5E, or a ration of a class other than to which he is entitled under Revised Ration Order No. 5E, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage, if the gasoline ration was issued by such Board. If the gasoline ration was issued by another Board, the corrected mileage shall be certified to such Board: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as the basis for determining whether the applicant is entitled to a Grade I or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the Board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

| Type of ration | Adjusted weekly mileage | Eligible for tires |
|---|----------------------------|---|
| Basic "A" only.. | 24 miles a week. | None. |
| Supplemental "B" occupational. | Less than 48 miles a week. | Grade III tire if applicant does not have a recappable carcass. |
| Supplemental "B" occupational or "C" preferred. | 48 miles or more a week. | At applicant's option a Grade III or a Grade I tire if he does not have a recappable carcass. |
| Fleet passenger, "D" and bulk rations. | Adjusted mileage. | According to adjusted mileage for each vehicle. |

Provided: That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration issued pursuant to Revised Ration Order No. 5E shall not be included.

(d) *Exceptions to eligibility.* (1) An applicant who is eligible for a Grade I tire may be issued a certificate for the acquisition of such type of tire upon turning in his recappable carcass, only if the vehicle on which the tire is to be mounted is used exclusively for maintaining fire fighting services, or investigation or patrolling necessary to the maintenance of public police service, or used for making professional calls by a physician or surgeon duly licensed by the appropriate governmental authorities and regularly rendering necessary pro-

fessional services of an emergency nature outside his office.

(2) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

(3) An applicant for a tire to equip a passenger automobile which is not driven by gasoline or which has been issued a currently valid Non-Highway ration shall be entitled to no better than a Grade III tire unless the mileage driven in such vehicle constitutes occupational or preferred mileage under Revised Ration Order 5E and is not less than 48 miles a week.

SEC. 2.3 Additional proof of need for commercial motor vehicle. (a) In addition to meeting all the conditions of Section 2.1 an applicant for a tire for a commercial motor vehicle must meet the following conditions.

(1) *Certificate of War Necessity.* That he holds a currently valid Certificate of War Necessity, if required, with respect to such vehicle; and

(2) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire are essential to the war effort, the public health, safety, or welfare; and

(3) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires needed to perform the functions deemed by the Board to be more essential to the war effort, public health, safety or welfare than the functions performed by the applicant; and

(4) *Recapping if possible.* That if the applicant is seeking to replace a tire, it is not capable of being recapped, *Provided, however,* That if the tire sought to be replaced is to be mounted on an ambulance or on a vehicle exclusively used for maintaining fire-fighting services or investigation or patrolling necessary to the maintenance of public police service, applicant may obtain a new tire upon turning in a recappable carcass; and

(5) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available; and

(6) *No other vehicle available.* That if application is made for a commercial motor vehicle eligible under section 2.4 (a) (List A), all other commercial motor vehicles owned or controlled by the applicant are either eligible under Section 2.4 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

SEC. 2.4 Eligibility of commercial motor vehicle—(a) *List A.* A certificate may be granted only for a commercial motor vehicle which meets the applicable conditions of sections 2.1 and 2.3 and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons; or as a hearse, for the transportation of deceased persons.

(2) The transportation of mail on behalf of the United States Government.

(3) Maintaining fire-fighting services.

(4) Patrolling or investigation necessary to the maintenance of public police services.

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems.

(6) Transporting passengers by bus as part of the services rendered to the general public, upon payment of a standard fare, where such services are rendered from definite terminals, along regular routes and on regular schedules.

(1) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions.

(7) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(8) Transporting workers (including executives, technicians, or office workers) to, from, within, or between the following establishments or facilities, for purposes necessary to the following operations or functioning of such establishments or facilities where other practicable means of transportation are not available; any industrial, extractive, military, naval, or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm.

(9) Transporting the following persons:

(i) Prisoners, insane, mentally disordered, or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel (including State military forces organized pursuant to section 61 of the National Defense Act, as amended), or persons participating in organized recreational activities at military or naval establishments to and from such establishments, where other practicable means of transportation are not available, provided such transportation is furnished upon a written request to the operator of the vehicle by the commanding officer of such establishment;

(iv) Selectees to and from examining or induction centers of the Army where other practicable means of transportation are not available, provided such transportation is furnished upon a written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their attendants to and from camps, where other practicable means of transportation are not available, provided the operator of the vehicle shall first obtain the written approval of the Director;

(vi) Persons between their homes and the places of regular weekly worship for the purpose of attending religious

services, where other practicable means of transportation are not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities;

(viii) Patients to clinics or hospitals for medical attention, provided, the operator has obtained written approval of the Insular Public Health Authorities for such use of his vehicle and no other public transportation is available.

(10) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood, provided that no public means of transportation are available or that such persons cannot practicably use such means of transportation.

(11) To transport persons by taxicab or público. No certificate shall be issued under this section to any taxicab or público unless the operator presents to the Board a certificate of convenience and necessity issued to the operator by the Public Service Commission of the Insular Government of Puerto Rico, and his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No certificate shall be issued and no tire obtained on a certificate issued under this subparagraph shall be used on any taxicab or público unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or público;

(iii) Does not "cruise" for the purpose of seeking fares; and

(iv) Is not used for sightseeing purposes.

(12) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(13) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice, fuel, and milk.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair (other than the installation, maintenance, or repair of such household equipment and furniture as are portable, or such incidental non-structural and non-mechanical maintenance as the cleaning of office buildings, landscape gardening, and similar activities).

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for any vehicle engaged in trans-

portation of such commodities to the ultimate consumer for personal, family, or household use. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of alcoholic beverages to any person, other than a shipping company for purposes of export. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of soft drinks and similar beverages, finished tobacco products, ice cream confections, candy, flowers, toys, novelties, jewelry, radios, phonographs, musical instruments, or any luxury goods to any person, or for furnishing transportation for incidental maintenance service or for the purpose of repairing any such effects, equipment, furniture, or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or establishment. Such transportation or deliveries may be performed by a private or contract carrier only in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from the route or schedule required for the delivery of commodities or performance of services recognized as eligible herein. Certificates may be issued under this subdivision for tires to equip a commercial motor vehicle used to deliver newspapers at wholesale only.

(b) *List B.* A certificate for a used tire may be granted for a commercial motor vehicle which meets the applicable requirement of sections 2.1 and 2.3 and is used for any important purpose not included in section 2.4 (a) (*List A*), subject to the following conditions:

(1) Certificates may be granted under this paragraph for a used tire to equip commercial motor vehicles performing functions which the Board may find to be essential to the community, such as vehicles delivering bread or other foods to the ultimate consumer for personal, family, or household use, or transporting persons for hire, and other vehicles performing services not provided for in section 2.4 (a) (*List A*).

(2) Notwithstanding the above provisions, a certificate may be issued for Grade I tires to equip a light truck which can be efficiently operated with such type of tires.

SEC. 2.5 Eligibility of farm implement, industrial equipment, non-highway vehicle and animal-drawn vehicle—

(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire necessary to equip a vehicle which meets the applicable conditions of section 2.1 and section 2.3, and is designed and used as one of the following may be granted, provided tires are essential for its operation:

(1) A farm tractor or other farm implement. Tractors or combines may be issued certificates to acquire tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for a Grade III tire, or upon the

approval of the Director, for a truck-type or a Grade I tire.

(2) Industrial, mining and construction equipment, other than passenger automobiles or commercial motor vehicles.

(3) Non-highway vehicles for road-grading, earth-moving, or similar off-the-road purposes.

(b) A certificate for any type of used tires may be issued for an animal-drawn vehicle which if propelled or drawn by mechanical power would be eligible for tires.

(c) A certificate for a spare tire may be issued for any vehicle which satisfies the conditions of this section, if the Board finds that a spare tire is necessary for the continued operation of the vehicle.

Sec. 2.6 Eligibility for allotment of tires—(a) *Applicant must be a dealer.* The Director may issue certificates authorizing the following persons to acquire allotments of tires:

(1) A person who was a dealer on December 31, 1942 and who filed O. P. A. Form R-17 for the quarter ending December 31, 1942 for the establishment for which application is made, or if such report was not filed, produces other evidence satisfactory to the Director that such person was a dealer on December 31, 1942.

(2) A person who intends in good faith to become a dealer if he, or a person in his employ, has had previous experience in the sales and servicing of tires, possesses facilities and equipment necessary to inspect and service tires properly, and agrees to become a tire inspector.

(3) The Director may refuse to authorize the allotment if granting it would in his judgment defeat or impair the effectiveness or policy of this Revised Ration Order No. 1 B.

Sec. 2.7 Issuance of certificates by the Director. (a) Certificates for tires may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) *Issuance of certificates by the Director.* Upon letter of application from any dealer or distributor in Puerto Rico, accompanied by Parts B, the Director may issue Exchange Certificates for tires to dealers and distributors in exchange for the Parts B surrendered. The Exchange Certificate shall be prepared on Form OPA-R-2 (Revised), and shall authorize replenishment of the same number of units of passenger-type tires and truck-type tires as are included in the Parts B surrendered for exchange. The types of tires on the Exchange Certificates shall be computed in accordance with the table in section 2.30 (c). The parts "B" surrendered by the dealers and distributors shall thereupon be destroyed.

Applications and Certificates

Sec. 2.8 Applications—(a) *Who may execute and file.* Any person may file with the Board having jurisdiction an

application for a certificate authorizing the acquisition of tires on OPA Form R-1 (revised). Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the Territory of Puerto Rico. No member or employee of the Board to whom 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 Boards (2) facts showing need and eligibility for the tires for which application is made; and (3) such additional information and commitments as may be required by the application or by the Board.

(c) *Presentation of Tire Inspection Record.* Any applicant for a certificate who is required to have a Tire Inspection Record shall present to the Board such Record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the Record, the applicant shall produce Part D of a certificate authorizing the acquisition of such tire.

(d) *Presentation of Certificate of War Necessity and Certificate of Necessity and Convenience.* Any applicant for tires for a commercial motor vehicle shall present to the Board a currently valid Certificate of War Necessity and Certificate of Necessity and Convenience, if required, for such vehicle.

(e) *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. 2.9 Filing of application—(a) *Tires for consumers.* Applications for certificates authorizing the acquisition of tires shall be filed with the Board having jurisdiction under section 1.5. A separate application must be filed on OPA Form R-1 (revised) for each vehicle.

(b) *Allotment of tires to dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of tires shall be filed with the Director on OPA Form R-54 by established dealers, and on OPA Form R-55 by persons intending to become dealers.

SEC. 2.10 Certification by inspector prior to filing of application—(a) *Inspection of tires.* No consumer may file an application for a certificate, and no such application shall be considered by a Board, until an inspector, appointed pursuant to section 2.23 (a), has currently inspected the tires to be replaced and has executed and signed the "Certification by Inspector" contained in OPA Form R-1 (revised). This paragraph shall not apply when application is made to acquire a tire necessary to equip an altered or reconstructed vehicle

or a vehicle not equipped with the number of tires permitted in section 2.1 (a) (5) (i), or to replace a lost or stolen tire.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire without making a personal and adequate inspection to determine such fact, and no inspector shall certify whether a tire can be recapped unless he removes the tire from the wheel or rim. The Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this Section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector or any person, for the service of removing and replacing a tire when such service is necessary for inspection purposes.

| Type of tire | Maximum fee |
|---|-------------|
| (1) Passenger car tires, each..... | .40 |
| (2) Small truck tires (7.50-20 or smaller), each..... | .50 |
| (3) Large truck tires (larger than 7.50-20), each..... | .75 |
| (4) Additional charge for removing inside dual truck tires (larger than 7.50-20)..... | .50 |

Sec. 2.11 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 tires to be mounted on a vehicle which has less than the number of tires permitted by section 2.1 (a) (5) (i) 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 the reasons why the vehicle is not equipped with a sufficient number of tires. The Board must be satisfied from such affidavit that the vendor is not responsible for the lack of a sufficient number of tires for such vehicle before it may grant a certificate.

(c) *Vehicle's condition.* If an applicant is applying for a new tire, he must satisfy the Board that the vehicle on which the tire 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 new tire.

SEC. 2.12 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, grade, and type of tires shall be noted upon the application.

SEC. 2.13 *Form of certificates to be issued.* (a) The Board may issue the following certificates to an applicant who has established need and eligibility under this Revised Ration Order No. 1B.

(1) *For tires.* OPA Form R-2 (Revised) authorizing an applicant to acquire tires.

(2) *For allotment of tires.* OPA Form R-2 (Revised) authorizing an applicant to acquire an allotment of passenger-type tires and truck-type tires.

SEC. 2.14 *Certificates non-transferable.* (a) No certificate or any part thereof may be transferred except as authorized by Revised Ration Order No. 1B or by the Office of Price Administration, or in exchange for tires.

SEC. 2.15 *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. 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 a member of the Board or one of its clerks designated to act as issuing officer.

(1) The Board shall indicate on the certificate the serial number of the tires to be replaced (including scrap tires), which the applicant must turn in. If the tire to be replaced is a recappable carcass, the Board shall write on the certificate after the serial number of such tire "recappable carcass."

(i) The applicant shall turn in all tires to be replaced, except when he can establish that he has no tires to turn in because he is acquiring a tire necessary to equip a vehicle not equipped with the number of tires permitted by section 2.1 (a) (5) (i), replacing a lost or stolen tire, or is a government agency forbidden by law to make such disposition.

(2) The Board shall indicate on the certificate the exact number, type, grade, and size of the tires which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the Board shall issue the certificates by delivering or mailing it to the applicant or his agent.

(1) 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."

(2) If a consumer desires to obtain tires stored by him in a public warehouse, he shall inform the Board of this fact, and, if the Board issues a certificate to him, it shall tear off and destroy Part B of such certificate.

(3) *By the Director.* If the Director issues OPA Form R-2 (Revised) for an allotment of tires under section 2.6, he shall tear off and destroy parts A and C of such certificate. Parts B and D thereof shall be marked "passenger-type tires only", or "truck-type tires only", as the case may be.

SEC. 2.16 *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) *Replaced tires to be turned in.* If the certificate indicates that a tire being replaced must be turned in and does not indicate that such tire is a recappable carcass the applicant shall, before acquiring from a dealer any tire in exchange for the certificate, turn in the tire to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire to a dealer. If the tire turned in is a recappable carcass, a dealer who is not a recapper may either sell such tire to a recapper or transfer it for recapping to a recapper.

(c) *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 specified thereon. The same person shall sign Parts B, C, and D of OPA Form R-2 (Revised) 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 (Revised).

SEC. 2.17 *Action by suppliers—(a) Turn in of tire prerequisite to transfer.* If the applicant is required to turn in a tire, no dealer shall transfer any tire pursuant to the certificate until the applicant has turned in to him the tire to be replaced.

(b) *Certificate to be completed.* No dealer or warehouseman shall transfer tires 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 or warehouseman to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires set forth on the certificate.

SEC. 2.18 *Splitting of certificates.* A holder of a certificate or part of a certificate who is unable to acquire from one supplier all the tires 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 from several suppliers. In the event that a certificate or part of a certificate is issued by a Board in the Virgin Islands of the United States, it may be surrendered by the holder to the Director in San Juan, Puerto Rico, who may issue as many certificates as are necessary.

SEC. 2.19 *Revocation of certificates.* (a) Any certificate, part of a certificate or authorization issued under Revised

Ration Order No. 1B shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration.

SEC. 2.20 *Revocation of certificates issued by mistake.* Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing Board and the board may order that such certificate be surrendered to it. If in such case the Board finds that the certificate holder is entitled to a tire of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire in lieu of the certificate revoked.

SEC. 2.21 *Revocation of certificate or declaration of ineligibility after hearing.*

(a) (1) A Board, after hearing, may revoke or cancel any certificate already issued and unused and declare a consumer ineligible to receive a certificate for such period as it may deem appropriate in the public interest and require the surrender to it of certificates already issued pending the determination of the proceedings, where a person has violated any of the provisions of Revised Ration Orders 1B.

(2) Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(i) Written notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be served upon the person (hereinafter called the respondent) against whom the proceedings are instituted at least three days before the date set for the hearing.

If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that the respondent has committed any of the acts or violations contained in the charge, the Board may by order revoke the certificates issued to him, direct him to surrender such certificates to the Board unless the certificate has been surrendered to a dealer, and declare that he shall not be eligible to receive a certificate for such period of time as the Board may deem appropriate in the public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time not to exceed five (5) days from the effective date of such order, good cause to the Board for such failure, the Board may set aside such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and two copies thereof shall be sent to the territorial office at San Juan. The Board shall fix the effective date of such order except that if it fails to do so such order shall become effective 24 hours after personal service or delivery by mail as evidenced by the return receipt.

(iv) The Board may designate one or more members to perform the functions

prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters on which a hearing officer has been appointed, he shall preside at the hearings and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) may within fifteen (15) days after the effective date thereof appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three days after the receipt of the statement the board shall forward it, together with a copy of the notice instituting such proceedings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner for Puerto Rico at San Juan. Within five (5) days after receipt of the statement the Hearing Commissioner shall notify the respondent and the Territorial Enforcement Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of section 1300.169 of Revised Procedural Regulation 4 and amendments thereto.

Inspection of Tires

SEC. 2.22 Periodic inspection—(a) Vehicles subject to inspection. Every person controlling the use of a vehicle equipped with truck-type tires shall be issued a Tire Inspection Record (OPA Form PR-R-534) executed in accordance with the instructions thereon, the Part B of which shall be duly certified and filed with the Local Board, and shall have the tires mounted on such vehicle inspected by a tire inspector appointed by the Director upon the recommendation of a Board. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization, and must be presented for inspection at any time to, and at the request of, an inspector of the Office of Price Administration or of any person whom the Director may designate for that purpose. Upon transfer of any motor vehicle to which the provisions of this section apply, the record pertaining to the vehicle, and Parts D for tires mounted on the vehicle, must be transferred with it. The tires, at the time of inspection, shall be mounted on the vehicle for which the Tire Inspection Record has been issued. The provisions of this section shall not apply to:

- (1) Vehicles operated solely on special gasoline rations.
- (2) Vehicles not registered for use on the highway.
- (3) Farm tractor, farm implements, road-graders, earthmovers, or other industrial, mining or construction equipment not designed primarily for use on the highway.
- (4) Vehicles operated by the armed forces of the United States.
- (5) Tires reported on OPA Form PRR-17 by any person required to file such form.
- (6) Tires obtained pursuant to section 2.6.

(b) *Time of inspection.* The time for periodic inspection shall be as follows:

| Type of coupon book issued | Inspections must be made within 2 week period as follows: |
|---|--|
| S-2 | July 31-Aug. 12, 1944; Oct. 23-Nov. 4, 1944. Aug. 14-26, 1944; Nov. 6-18, 1944. |
| S-3 and S-4 (except vehicles equipped with passenger-type tires). | Sept. 11-23, 1944; Dec. 4-16, 1944. |
| S-5 (except vehicles equipped with passenger-type tires). | According to type of ration identification. |
| Bulk (except vehicles equipped with passenger-type tires). | |

(c) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such Record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record, including those on Parts D and those on the mounted tires, shall be recorded by the inspector and reported to the Board.

(d) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

- (1) The odometer reading of the vehicle,
 - (2) Whether the tires inspected should be replaced or recapped, and
 - (3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.
- (e) Every person controlling the use of a vehicle equipped with passenger-type tires shall keep the periodic tire inspection record already issued to the same. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization, and must be presented to the Board whenever any of the tires therein declared are replaced by a tire for which a certificate has been issued. The Board shall then issue a new tire inspection record.

(f) Every person who acquires a vehicle equipped with passenger-type tires, shall turn in the tire inspection record of the prior owner to the Board at which application for a gasoline ration is made and thereupon a new tire inspection record shall be issued by the Board to such transferee: *Provided*, That if no tire inspection record has been issued, the transferee shall submit to the Board a sworn statement from the transferor specifying the serial numbers of the tires mounted on the vehicle, and the reasons for not having obtained a tire inspection record: *Provided further*, That the owner of a vehicle equipped with passenger-type tires for which no tire inspection record has been issued shall submit to the Board at which application for a gasoline ration is made, a sworn statement specifying the serial numbers of the tires mounted on the vehicle, and

the reasons for not having obtained a tire inspection record. If the Board is satisfied that there is good cause for not having obtained a tire inspection record, the Board may thereupon issue a new tire inspection record to such transferee or owner.

SEC. 2.23 Inspection of tire transferred. (a) In addition to the periodic inspection, every consumer who acquires a vehicle equipped with truck-type tires, if such vehicle is not exempted under section 2.22 (a), shall have the tires inspected within ten days after they have been acquired. The Tire Inspection Record of the transferor shall be turned in by the transferee to the Board to which application for a gasoline ration is made and thereupon a new Tire Inspection Record may be delivered by the Board to such transferee: *Provided*, That if such tires are mounted on a vehicle equipped with truck-type tires for which no Tire Inspection Record has been issued, the transferee shall present to the Board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle. The Board may thereupon issue a new Tire Inspection Record to such transferee.

SEC. 2.24 Compensation to be paid for inspection. (a) An inspector may charge a fee not to exceed twenty-five cents (25¢) per vehicle for the inspection required by sections 2.22 and 2.23. In addition, sums not in excess of those set forth in section 2.10 (c) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purposes under said sections.

SEC. 2.25 Shifting of tires—(a) Prohibition. No person shall mount on any passenger automobile or commercial motor vehicle to which the provisions of section 2.22 apply any tire not duly entered upon the Tire Inspection Record for such vehicle, or acquired in exchange for a certificate issued to equip such vehicle, except as provided in paragraphs (b) and (c), or as authorized in writing by the Director.

(b) *Application for authorization.* A person may apply to a Board for authorization to shift tires from one such passenger automobile owned by him to another such passenger automobile, or from one such commercial motor vehicle owned by him to another such commercial motor vehicle. Upon approval by the Board, he may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such vehicles.

(c) *Fleets.* Any person operating a fleet of commercial motor vehicles may shift tires from one to another vehicle within the fleet: *Provided*, That within 5 days of such shifting he shall surrender the tire inspection records of the vehicles involved to the Local Board, who shall thereupon issue new inspection records.

SEC. 2.26 Replacement of lost tire inspection records. (a) Any person who has lost a Tire Inspection Record shall apply to a Board for a new record. Be-

fore issuing such record, the Board shall reexamine and redetermine the current gasoline ration and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Parts D of certificates in the possession of the applicant.

Prohibited and Permitted Transactions

SEC. 2.27. *Prohibition.* (a) Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Revised Ration Order No. 1B or by an order, authorization or regulation issued by the War Production Board, shall:

- (1) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire; or
- (2) Use, alter, or change the physical location of any tire; or
- (3) Mount any tire upon a wheel or rim.

SEC. 2.28 *Mounting or use of tires—*

(a) *Mounting or use generally.* Subject to the restrictions of Revised Ration Order No. 5E and paragraph (b) of this section, any person may change the physical location of, mount or use:

(1) Tires which have been acquired on certificate issued by the Office of Price Administration on the passenger automobile or commercial motor vehicle for which they were acquired, or on any other passenger automobile or commercial motor vehicle owned or controlled by such person but only when pursuant to section 2.25.

(2) Tires which have been acquired on certificate issued by the Office of Price Administration on the vehicle eligible under section 2.5 for which they were acquired, or on any other vehicle eligible under section 2.5 owned or controlled by such person;

(3) Tires owned and possessed by him prior to October 1, 1942, on any vehicle owned by him. If such vehicle is not exempted from the provisions of section 2.3 (a), tires may only be mounted thereon if they have been declared on a Tire Inspection Record issued for such vehicles.

(4) Tires upon other equipment not covered by subparagraph (1), (2) or (3), but only if specifically authorized in writing by the Board having jurisdiction over the vehicle upon which the tire is to be mounted. The Board may grant such authorization only where it is satisfied that the mounting or use will result in a conservation of rubber or the more efficient use of tires in activities essential to the war effort, the public health, or safety.

(b) *Mounting from stock prohibited.* No dealer shall declare in his Tire Inspection Record or mount or use tires taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires were permanently removed from this stock and mounted on his vehicle prior to October 1, 1942.

SEC. 2.29 *Transfer to consumers upon certificate—(a) By dealers.* A dealer

may, in exchange for a certificate, transfer tires to a consumer.

(b) *No tire in stock.* A dealer who does not have in stock a tire ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires specified thereon for transfer to the consumer.

(c) *Tire requiring repair or recapping.* No dealer may transfer to a consumer a tire that requires repair or recapping.

(d) *By warehousemen.* A public warehouseman who has received tires for storage may, in exchange for a certificate, transfer tires to a consumer, as follows:

- (1) New tires stored prior to December 11, 1941;
- (2) Recapped tires used less than one thousand (1,000) miles after being recapped and stored prior to February 19, 1942;
- (3) Used tires including tires used more than one thousand (1,000) miles after being recapped, stored prior to October 1, 1942.

(e) *By recappers or repairers.* No recapper or repairer shall transfer a recapped or repaired tire to a consumer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule No. 66,⁸ as amended, and Maximum Price Regulation No. 107,⁹ issued by the Office of Price Administration.

SEC. 2.30 *Dealer transfers—(a) Establishments under common ownership.* No dealer may transfer or move tires to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Revised Ration Order No. 1B. If a dealer engages in the business of recapping tires, or selling tires at two or more separate establishments, he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires between such establishments shall be subject to all the conditions that apply to transfers between separate dealers, unless expressly excepted by this Revised Ration Order No. 1B.

(b) *Changes of location.* A manufacturer or dealer may change the location of tires within a single establishment or the location of the establishment itself, including the entire stock of tires contained therein: *Provided,* That no change in ownership, possession or control occurs.

(c) *Tires—(1) Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R-2 (Revised) and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a supplier

⁸ 8 F.R. 11472, 21793, 15736; 9 F.R. 4348.

⁹ 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586, 8799, 8802, 8948; 8 F.R. 1584, 2206, 8854, 8843, 8676; 9 F.R. 4348.

may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires specified thereon.

(2) *Permitted replacement of tires.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate, receipt, or exchange certificate issued pursuant to section 2.7, paragraph (b), transfer to another dealer or receive from another dealer or manufacturer the number of tires authorized, in accordance with the table below:

| If Part B calls for: | Dealer or manufacturer may replenish with— |
|-------------------------------|---|
| Any Size Grade I Tire. | Any size or grade passenger-type tire. |
| Any Size Grade III Tire. | Any size Grade III tire. |
| Any Size Truck-Type Tire. | Any size truck-type tire. |
| Any Size Tractor-Type Tire. | Any size tractor, truck or implement-type tire. |
| Any Size Implement-Type Tire. | Any size tractor or implement-type tire. |

(3) *Transfers without certificate upon authorization.* (i) Any dealer may transfer tires to any other dealer or manufacturer without certificate upon written authorization of the Director. Application for authorization to make such transfer shall state the names and addresses of the transferor and transferee, the amount, type and grade of tires to be transferred, and the reason for the transfer.

(ii) Any dealer may transfer replenishment portions (Parts B) of certificates or receipts to any other dealer upon written authorization of the Director. Application for authorization to make such transfer shall state the names and addresses of the transferor and transferee, the number of Parts B and the amount, type and grade of tires called for thereon, and the reason for the transfer.

(d) *Camelback for recapping.* No recapper shall apply camelback to the tread surface of a carcass if the carcass will not be serviceable as a recapped tire.

(e) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires for the purpose of storage only to any warehouse owned or operated by him, if no change in ownership or control of such tires is thereby effected. Any dealer may, without certificate, withdraw the tires stored in such warehouse.

(f) *Discrimination by dealers.* Except as otherwise provided in this ration order, no dealer shall discriminate in the transfer of tires among any consumers lawfully entitled to acquire tires under the provisions of this ration 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 under the provisions of this ration order.

SEC. 2.31 *Acquisition for retransfer purposes—(a) Persons who may acquire.* Tires may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or the Insular Government of Puerto Rico or any municipality may acquire from any

person any tire in the exercise of governmental rights or powers against such tire.

(2) *Judicial process.* Any person may acquire any tire 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 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 in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The Insular Government of Puerto Rico, 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 for security purposes and may, without certificate, transfer such tires 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 and may satisfy or release such lien. Such security interest or liens 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.

(b) A person other than a dealer, acquiring full title to tires hereunder, shall within thirty (30) days sell such tires to a dealer or a manufacturer.

Sec. 2.32 Transfers without certificate, special authorization or notice—(a) Transfers to Defense Supplies Corporation. A person may, without certificate, transfer tires to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation, or any representative designated to receive tires on their behalf.

(b) *Changes in location.* A person, other than a dealer, may, without certificate, change the location of tires if no change in ownership, possession or control results.

(c) *Transfer by persons other than dealer or manufacturer.* A person, other than a dealer, or manufacturer, may, without certificate, transfer tires to a dealer or manufacturer. A record of the serial number of any tire so transferred shall be given to the transferor and a copy shall be sent by the transferee to the Board which issued the transferor's Tire Inspection Record.

(d) *Transfers on vehicles.* Unless prohibited by an order or regulation issued by the Office of Price Administration or the War Production Board a person may, without a certificate transfer a tire as part of the equipment of a vehicle in conjunction with the transfer of such vehicle: *Provided, however,* That a tire acquired in exchange for a certificate

may be so transferred only after six (6) months of the acquisition of such tire by the transferor and after said tire has been used four thousand (4,000) miles or more, or after having obtained a written authorization from the Director of the Office of Price Administration for Puerto Rico. The Director may authorize a transfer in cases where in his judgment it shall not operate as an evasion of this Order. No person shall accept the transfer of such tire unless in accordance with this paragraph.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires to any person engaged in the business of repairing tires, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires after such mounting, repair or inspection.

(f) Any dealer may, without certificate, return to his supplier tires of a size, grade, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor the same number of units of tires of the size, grade, type or quality ordered.

(g) *Return of lost or stolen tires.* A person may, without certificate, transfer tires which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(h) *Exchange of tires.* A consumer who in exchange for a certificate acquires any tire that is of a size or grade different from that ordered may, without certificate, but only within ten (10) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire has not been used by such person.

(i) *Turn in of tires to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire and is required to turn in a tire to be replaced shall transfer such tire to a dealer: *Provided,* That such dealer, if not a recapper, may either sell the replaced tire, if recappable, to a recapper, or transfer it for recapping to a recapper.

(j) *Transfers for recapping.* If a dealer transfers a recappable tire to a recapper such recapper may transfer to such dealer a Grade III tire in exchange thereof.

(k) *Transfer of unit for unit.* A dealer may, without certificate, transfer tires to a dealer in exchange for tires of the same amount, type and grade.

(l) *Transfers to and from carriers.* A person may, without certificate, transfer tires to a common or contract carrier for shipment, and such tires may be transferred by such carrier to the consignee in the regular course of business: *Provided,* That the transaction between the consignor and the consignee shall remain subject to the provisions of Revised Ration Order No. 1B.

(m) *Transfer to and from public warehouses.* A person may, without certificate, transfer tires to a public warehouse for storage. A public warehouseman who has received tires for storage may, without certificate, transfer them to the following persons:

(1) A dealer or manufacturer who transferred such tire for storage;

(2) A manufacturer, assembler or dealer in vehicles equipped with tires who has transferred such tires for storage;

(3) A person who has a security interest in or lien on such tires as provided in section 2.30.

(4) A consumer who stored:

(i) New tires after December 10, 1941; or

(ii) Recapped tires after February 18, 1942, where such tires were used less than 1,000 miles after being recapped; or

(iii) Used tires, including tires used more than 1,000 miles after being recapped, after September 30, 1942.

(n) *Mounting of original equipment.* A manufacturer of vehicles may mount tires as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

(o) *Change-overs.* A dealer or manufacturer may transfer tires to a manufacturer, rebuilder or dealer in vehicles in exchange for tires mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the Director.

(p) The Director may, upon a dealer's application, issue replenishment portions of certificates to replace tires, replenishment portions, (Parts B) or certificates which have been lost, stolen, destroyed, or irreparably damaged.

Sec. 2.33 Transfers to certain Government agencies—(a) Transfers. A person may transfer tires without receiving certificates therefor 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 Surveys the Civil Aeronautics Authority, the National Advisory Commission 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).

Other Prohibited Acts

Sec. 2.34 Offenses—(a) Mutilation and forgery of certificates. No person shall without lawful authority willfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), Tire Inspection Record, 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 Revised Ration Order No. 1B.

(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 or authorization has been issued, except in accordance with the provisions of Revised Ration Order No. 1B.

(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 acquired in violation of Revised Ration Order No. 1B, and no person shall possess, use or permit the use of tires acquired under Revised Ration Order No. 1B for any purpose in violation of Revised Ration Order No. 1B.

(f) *Abuse of tires.* No person shall, without lawful authority abuse, alter, damage or neglect any tire in his possession or control. Failure to obtain timely recapping or make timely application for replacement shall constitute a form of abuse, within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires in the operation of a motor vehicle at any rate of speed which is in excess of thirty (30) miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the Puerto Rican military forces organized pursuant to section 61 of the National Defense Act, as amended, or 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) *Tire Inspection Record.* No person shall use or permit the use of tires unless he has obtained and kept current the Tire Inspection Record, required by sections 2.22 and 2.23, or is exempted from these requirements.

(i) *Declaration of tires.* No person shall use or permit the use of tires upon a motor vehicle unless he has filed a declaration of tires as required by section 2.22 of this order and section 3.13 of Revised Ration Order 5E.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires upon a motor vehicle for which gasoline has been obtained in violation of Revised Ration Order No. 5E or for which gasoline or other fuel is used in violation of that order.

(k) *Violation of other orders.* No person shall use or permit the use of tires on a vehicle which he operates or controls in violation of any order, rule or regulation issued by the Office of Defense Transportation or other Federal agency.

(l) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Revised Ration Order No. 1B, 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.

(m) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of Revised Ration Order No. 1B.

ARTICLE III—GENERAL PROVISIONS

SEC. 3.1 Posting names of successful applicants. (a) At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for passenger or truck tires shall be posted at the office of the Board 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. 3.2 Disposition of parts of certificates and receipts—(a) Certificates or receipts for tires. A transferor of tires to whom a certificate is surrendered by an applicant or who receives an OPA Form R-12 (Revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R-2 (Revised) shall be retained by the transferor as his record; Part A of OPA Form R-12 (Revised) shall be sent to the Office of Price Administration, San Juan, within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) *Part B.* Parts B of OPA Form R-2 (Revised) and OPA Form R-12 (Revised) not used for replenishment must be retained by the dealer as his record.

(3) *Part C.* Part C of OPA Form R-2 (Revised) shall, within three days of the date of transfer of the tires, be completed and sent to the issuing Board which shall retain it as its record. Part C of OPA Form R-12 (Revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R-2 (Revised) and OPA Form R-12 (Revised) shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer, manufacturer and warehouseman shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

SEC. 3.3 Records and reports of transfers—(a) Records of transfers to and from dealers, manufacturers and warehousemen. Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of tires to or by him: *Provided*, That no records need be kept of transfers permitted by section 2.32 (e) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type and grade;

(2) If recapped tires are transferred, the number, size, type, and grade thereof.

(3) If tires are transferred for repair, information sufficient to identify the ownership of the tires.

SEC. 3.4 Inventories of sellers of tires and vehicles. (a) Every person engaged in the business of selling or holding for sale tires or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(1) 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 and keep a record thereof. Such inventory shall be based on a physical count.

(2) File a report on OPA Form PRR-17 (Revised), in accordance with the instructions thereon, for each month, setting forth the stocks on hand at the beginning of the month, the stocks received during the month, the stocks sold or otherwise transferred during the month, and the stocks on hand at the close of business on the last day of the month. The quantities of tires shall be reported as required by the revised form to show size, type and grade of new and used tires. The movement of unserviceable tires during the month shall also be set forth in the report. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed with the Director on or before the fifth day after the end of each month.

(3) File a report with the Director if the grade of any tire has been changed, setting forth the reasons for such change of grade, and shall not sell the tire until five days after the report has been filed.

SEC. 3.5 Preservation and filing of records. (a) Any person affected by this Revised Ration Order No. 1B shall keep and file such additional records and reports as the Director may require. Any record required by Revised Ration Order No. 1B to be kept shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires to be repaired are in the possession of the repairer. Such records and any other records relating to tires shall be available at all times for inspection by the Office of Price Administration.

SEC. 3.6 Notice of legal proceedings. (a) Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the Director.

SEC. 3.7 Report of violations—(a) By any person. Any person may report a violation of this Revised Ration Order No. 1B to a Board or to the Director.

(b) *By a Board.* Whenever a Board finds that an applicant has violated Section 2.34 (1), it shall immediately inform the Director of that fact in writing, transmitting all relevant documents with its report.

SEC. 3.8 Decision of Board. (a) 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.

APPEALS AND ENFORCEMENT

Sec. 3.9 *Who may appeal.* Any person whose application for a certificate, part of a certificate or authorization has been denied in whole or in part by the action of a Board, may appeal from such action or from any other adverse decision of a Board.

Sec. 3.10 *Procedure.* Except for proceedings arising out of 2.21 an appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9,⁷ and amendments thereto issued by the Office of Price Administration.

Sec. 3.11 *Criminal prosecution.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of Ration Order No. 1B, 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 Revised Ration Order No. 1B 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 Revised Ration Order No. 1B 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. 3.12 *Suspension orders.* (a) Any person who violates this Revised Ration Order No. 1B may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires or gasoline. Proceedings for the suspension orders shall be instituted and governed by the provisions of Revised Procedural Regulation No. 4.⁸

Effective date. This revised ration order shall become effective May 29, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

⁷ 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211; 9 F.R. 1594, 4539, 10491; 10 F.R. 2478.

⁸ 9 F.R. 9412.

Issued this 24th day of May 1945.

SAM P. GILSTRAP,
Director of the Office of Price
Administration for Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-8789; Filed, May 24, 1945;
11:38 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 8]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Ration Order 8 is redesignated Revised Ration Order 8 and is revised to read as set forth below:

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1 J, issued July 1, 1942, *It is hereby ordered,* That:

ARTICLE I—DEFINITIONS

Sec. 1.1 Definitions.

ARTICLE II—SCOPE OF REVISED RATION ORDER NO. 8

2.1 Territorial limitations.
2.2 Scope of restrictions.

ARTICLE III—ADMINISTRATION AND PERSONNEL

3.1 Administration.
3.2 Jurisdiction of boards.
3.3 Action on applications.
3.4 Records of applications.

ARTICLE IV—BASIC RATIONS

4.1 Persons entitled to use basic rations.
4.2 Basic ration books.
4.3 Application for an issuance of basic ration books.
4.4 Valid periods of Class A, B, C and R Books.

ARTICLE V—SUPPLEMENTAL RATIONS

5.1 Supplemental ration books.
5.2 Application for supplemental rations.
5.3 Allowance of mileage and number of gallons.
5.4 Issuance of supplemental rations.
5.5 Preferred mileage.

ARTICLE VI—SERVICE RATIONS

6.1 Service rations.
6.2 Service ration for owners of leased vehicles.
6.3 Service ration books.
6.4 Application for service rations.
6.5 Issuance of service rations.
6.6 Issuance of essential service rations to taxicabs and trucks.
6.7 Computation of gallons.

ARTICLE VII—SPECIAL RATIONS

7.1 Application for special rations.
7.2 Form and issuance of special rations.

ARTICLE VIII—NON-HIGHWAY RATIONS

8.1 Non-highway rations.
8.2 Application for non-highway rations.
8.3 Issuance of non-highway rations.

ARTICLE IX—ARMY, NAVY, AND CERTAIN OTHER AGENCIES

9.1 Issuance of ration books by Office of Price Administration.
9.2 Acknowledgment of delivery and allotment authorizations.
9.3 Use of gasoline obtained by Army and other exempt agencies.

ARTICLE X—GALLON VALUE OF COUPONS

Sec. 10.1 Value of coupons.

ARTICLE XI—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF GASOLINE RATIONS

11.1 Application forms.
11.2 Appearances before Boards.
11.3 Presentation of license receipt or other certificate.
11.4 Notation on license receipt or other certificate.
11.5 Notation on ration books and applications.
11.6 Change in motor vehicle license number.
11.7 Removal of coupons.
11.8 Authorization of bulk purchase.
11.9 Lost, stolen, destroyed, mutilated or wrongfully withheld coupon books or bulk coupons.
11.10 Signature on book.
11.11 Alteration on book.
11.12 Notation by ration holder.

ARTICLE XII—RENEWAL OF RATIONS AND ISSUANCE OF FURTHER RATIONS

12.1 Renewal of rations.
12.2 Issuance of further ration for use prior to expiration date of current ration.

ARTICLE XIII—EXPIRATION AND RENOVATION OF RATION

13.1 Surrender of expired coupons.
13.2 Expiration of ration.
13.3 Denial of gasoline ration.
13.4 Review by Local Boards of application for gasoline rations.
13.5 Use of receipt in transferring motor vehicles.

ARTICLE XIV—RESTRICTIONS ON USE OF RATIONS AND GASOLINE

14.1 Restrictions as to purposes.
14.2 Rations not transferable.
14.3 Change of occupation.
14.4 Use of rations issued for vehicles or boats available for public rental.

ARTICLE XV—RESTRICTION ON TRANSFER OF GASOLINE

15.1 Restriction on transfer to consumers.
15.2 Transfer to consumers in exchange for coupons.
15.3 Emergency transfers.
15.4 Transfer of vehicle, boat or equipment.
15.5 Transfer of consumer establishments.
15.6 Transfer from fuel tank to fuel tank of vehicles and boats forbidden.
15.7 Discrimination by dealers and distributors.
15.8 Display of stickers.
15.9 Restriction on use of gasoline in vehicle without ration.
15.10 Restrictions on blending of gasoline.

ARTICLE XVI—RECORDS AND AUDIT

16.1 Registration of inventory and capacity.
16.2 What constitutes gasoline on hand.
16.3 What constitutes storage capacity.
16.4 Issuance of registration certificates.
16.5 Issuance of inventory coupons.
16.6 Restriction on use of inventory coupons.
16.7 Restriction on transfers.
16.8 Night deliveries; third party deliveries.
16.9 Preservation of coupons, coupon sheets.
16.10 Preservation of acknowledgments.
16.11 Summary of coupons.
16.12 Invalidity of Class A and B coupons after expiration of bimonthly period.
16.13 Certification of shortage.
16.14 Reports by distributors.
16.15 Reports by collector of customs.
16.16 Explanation by distributor.
16.17 Registration of new or reopened place of business.
16.18 Cessation of business.
16.19 Sale of place of business.
16.20 Change of storage capacity.
16.21 Inspection of records and facilities.

ARTICLE XVII—ADJUSTMENTS AND APPEALS
Sec.
17.1 Appeals from decisions of boards.

ARTICLE XVIII—ENFORCEMENT

- 18.1 Criminal prosecution.
18.2 Suspension orders.

AUTHORITY: §§ 1394.3501, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supp. Directive No. 1-J, 7 F.R. 562, 5043; 2nd Rev. Gen. Order 21, 8 F.R. 9243.

ARTICLE I—DEFINITIONS

SECTION 1.1 *Definitions.* (a) When used in Revised Ration Order No. 8:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than into the fuel tank of a licensed motor vehicle.

(4) "Bus" means any motor vehicle, other than a station wagon or suburban carryall, built or re-built 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.

(5) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline or acquire gasoline for use rather than for transfer.

(6) "Dealer" means any person who operates a service station, filling station, garage, store, pump, or other place of business at which gasoline is regularly transferred directly to consumers.

(7) "Director" means the Director of the Office of Price Administration for the Virgin Islands.

(8) "Distributor" means any person who imports gasoline into the Virgin Islands.

(9) "Evidence" means a token which, under the provisions of Revised Ration Order No. 8, represents a right to receive a transfer of gasoline.

(10) "Fleet" when the term is used in connection with a motor vehicle of any type, means that the vehicle is one of three or more vehicles of such type, owned or leased by and operated by the same person and used principally in connection with the same occupation or related occupations.

(11) "Gasoline" means any petroleum product either commonly known or sold as gasoline (including casinghead and natural gasoline) having a flash point below 100° Fahrenheit (closed cut test, ASTM D-56-36), except:

(i) Fuel oil as defined in Revised Ration Order No. 11,¹ naphthas, aromatics,

¹ 9 F.R. 2357, 3353, 4099, 4391, 4874, 5165, 5219, 5253, 5502, 5928, 6030, 5804, 6360, 7169, 7201, 7708, 7773, 8988, 9405, 9935, 9620, 9901, 10049, 10644, 11178, 11542, 11712, 12270, 13204, 13205, 13209, 13991, 14061, 14107, 14299, 14300, 14341, 14675, 15057, 10 F.R. 855, 856, 864, 1146, 2249, 2187, 2514, 2673, 3053, 3814, 3815, 4038, 3814, 4813.

synthetic rubber materials, solvents or specialties, not used or blended for use as fuel in internal combustion engines;

(ii) Any finished petroleum product having an octane rating of 85 or more (ASTM D-357-42T) or any component thereof, used for the propulsion of aircraft; and

(iii) Liquefied petroleum gases.

(12) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(13) "Inventory coupons" means a one-gallon or 100-gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or distributor, or for such other purpose as may be provided in Revised Ration Order No. 8.

(14) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors.

(15) "Motor vehicle" means and rubber-borne, self-propelled conveyance the motive power for which is furnished by a gasoline-operated internal combustion engine.

(16) "Motor vehicle dealer" means any person regularly engaged in the business of selling or re-selling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(17) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others, and "boat rental agency" means any person engaged in the business of leasing inboard motorboats or outboard motorboats to others.

(18) "Non-highway use" means any use of gasoline other than for the propulsion of a licensed motor vehicle or of a motor vehicle held by a motor vehicle dealer for sale or resale or of a motor vehicle operated on dealer license plates.

(19) "Occupation" means business, gainful work, or any work regularly performed by a person which contributes to the war effort or to the public welfare, and includes the pursuit of a regular and recognized course of study.

(20) "Occupational mileage" means mileage driven by a person in carrying on his occupation or to and from a place where such occupation is carried on by him.

(21) "Passenger automobile" means any motor vehicle other than a motorcycle built primarily for the purpose of transporting passengers and having a rated seating capacity of seven or less; and also includes station wagons and suburban carryalls, irrespective of seating capacity.

(22) "Ration book" means any gasoline coupon book issued pursuant to Revised Ration Order No. 8.

(23) "Licensed", as applied to a motor vehicle, means that such motor vehicle is duly licensed for operation on public roads or highways by the appropriate agency of the Federal Government of the United States, a municipal government of the Virgin Islands, the government of a State of the United States, or any territorial or foreign government.

(24) "Taxicab" means a passenger automobile which licensed by a municipality of the Virgin Islands as an automobile for hire, and is regularly available at an established stand or call-station as a taxicab; or, if no such license is required by the municipality, that such passenger automobile is customarily operated and regularly available as a taxicab to any member of the general public.

(25) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply, or furnish and includes the acquisition of title by will, inheritance, foreclosure or legal process; it also includes the use by any dealer or distributor, of any gasoline held for transfer; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of a shipment, shall not be deemed to be a transfer to or by such a carrier.

(26) "Transfer", as applied to a place of business, means any change from one person to another of the right of occupation of the premises and the right to possession and disposal of any gasoline stocks on hand, whether or not the transferor continued on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation of an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(27) "Truck" means any motor vehicle, other than a motorcycle, built or re-built primarily for the purpose of transporting or hauling property or equipment.

(28) "Vehicle available for public rental" means any registered motor vehicle leased from or held for rental by a motor vehicle agency, but does not include a taxicab.

(29) "Virgin Islands" means all the Virgin Islands of the United States of America and includes, but is not limited to, the Islands of St. Thomas, St. John, and St. Croix.

(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 denote the feminine and neuter.

ARTICLE II—SCOPE OF REVISED RATION ORDER NO. 8

SEC. 2.1 *Territorial limitations.* Revised Ration Order No. 8 shall apply to the Virgin Islands.

SEC. 2.2 *Scope of restrictions.* (a) Nothing in Revised Ration Order No. 8 shall be construed to limit the quantity of gasoline which may be acquired by the Army, Navy, Marine Corps, Coast Guard, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and Office of Scientific Research and Development.

(b) *Effect on Ration Order No. 1C.* No allotment of gasoline issued pursuant

to Revised Ration Order No. 8 for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Revised Ration Order 1C,² as amended, or Ration Order No. 2A,³ as amended, or to remove or avoid any disqualification of such vehicle under such ration orders or regulations.

ARTICLE III—ADMINISTRATION AND PERSONNEL

SEC. 3.1 Administration. (a) Revised Ration Order No. 8 shall be administered by the Office of Price Administration through the War Price and Rationing Boards and such Administrative personnel in the Virgin Islands as the Office of Price Administration may designate.

(b) No person participating in the administration of Revised Ration Order No. 8 shall act officially in connection with any matter arising thereunder as to which he has any interest by reason of business connection or relationship by blood or marriage.

SEC. 3.2 Jurisdiction of Boards. (a) For the purpose of Revised Ration Order No. 8, a Board shall have jurisdiction over the issuance of all rations for vehicles or equipment customarily kept, garaged, stationed or located in the area which the Board is designated to serve.

SEC. 3.3 Action on applications. (a) The Board shall render its decision on an application for a ration within five (5) days after the date of such application. In any case of an apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

SEC. 3.4 Records of applications. (a) Each Board shall maintain a file of all applications for rations submitted to it. A rationing officer may act as executive secretary of a Board and maintain custody of its records.

ARTICLE IV—BASIC RATIONS

SEC. 4.1 Persons entitled to use basic rations. (a) The owner or the person entitled to the use of a licensed passenger automobile or a licensed motorcycle may obtain a basic ration for the use of such vehicle, except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

- (1) A taxicab or vehicle available for public rental;
- (2) Specially built or re-built as an ambulance or hearse; or used as a hospital car;
- (3) Held by a motor vehicle dealer for sale or resale.

SEC. 4.2 Basic ration books. (a) Class A Coupon Books shall be issued as basic rations for passenger automobiles and motorcycles. Each basic ration book shall contain twenty-four (24) coupons

when issued for passenger automobiles, and twelve (12) coupons when issued for a motorcycle.

SEC. 4.3 Application for an issuance of basic ration books. (a) Application for a basic ration book shall be made on Form OPA VIR-1 by the owner or the person entitled to the use of the vehicle or by the authorized agent of either. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) Pursuant to such application a basic ration book shall be issued by the Board. The Board shall remove twenty-four (24) coupons from every Class A book issued as a basic ration for a motorcycle, and shall also remove all expired coupons from any Class A book issued subsequent to October 1, 1942 as a basic ration for a passenger automobile or motorcycle.

(c) Not more than one basic ration may be issued for a vehicle, except as provided in section 13.2.

SEC. 4.4 Valid periods of Class A, B, C and R books. The coupons contained in Class A, B, C and R books, issued pursuant to this order, shall be valid for the transfer of gasoline to the holder thereof only during the periods indicated below:

| Coupons numbered | Valid period |
|------------------|------------------------------|
| 1..... | Nov. 1, 1944—Nov. 15, 1944. |
| 2..... | Nov. 16, 1944—Nov. 30, 1944. |
| 3..... | Dec. 1, 1944—Dec. 15, 1944. |
| 4..... | Dec. 16, 1944—Dec. 31, 1944. |
| 5..... | Jan. 1, 1945—Jan. 15, 1945. |
| 6..... | Jan. 16, 1945—Jan. 31, 1945. |
| 7..... | Feb. 1, 1945—Feb. 15, 1945. |
| 8..... | Feb. 16, 1945—Feb. 28, 1945. |
| 9..... | Mar. 1, 1945—Mar. 15, 1945. |
| 10..... | Mar. 16, 1945—Mar. 31, 1945. |
| 11..... | Apr. 1, 1945—Apr. 15, 1945. |
| 12..... | Apr. 16, 1945—Apr. 30, 1945. |

| Coupons numbered | Valid period |
|------------------|--------------------------------|
| 1..... | May 1, 1945—May 15, 1945. |
| 2..... | May 16, 1945—May 31, 1945. |
| 3..... | June 1, 1945—June 15, 1945. |
| 4..... | June 16, 1945—June 30, 1945. |
| 5..... | July 1, 1945—July 15, 1945. |
| 6..... | July 16, 1945—July 31, 1945. |
| 7..... | Aug. 1, 1945—Aug. 15, 1945. |
| 8..... | Aug. 16, 1945—Aug. 31, 1945. |
| 9..... | Sept. 1, 1945—Sept. 15, 1945. |
| 10..... | Sept. 16, 1945—Sept. 30, 1945. |
| 11..... | Oct. 1, 1945—Oct. 15, 1945. |
| 12..... | Oct. 16, 1945—Oct. 31, 1945. |

ARTICLE V—SUPPLEMENTAL RATIONS

SEC. 5.1 Supplemental ration books. (a) Class A or B coupon books may be issued by a Board as supplemental rations to an owner or person entitled to the use of a licensed passenger automobile or licensed motorcycle for which a basic ration may be issued pursuant to section 4.1 (a). Sufficient books shall be issued to provide for occupational mileage driven in such vehicle by the owner or the person entitled to the use of the vehicle, to the extent that such mileage is allowed by the Board pursuant to section 5.3.

(b) The ration period for which each Class A or B book shall be issued shall be six (6) months in length and shall commence on November 12, 1942. The ration period shall be noted on the cover

of each book by the Board and shall authorize the transfer of gasoline to a consumer only during such period.

(c) Class A and B books issued as supplemental rations shall contain numbered coupons which shall be valid during the same period as the corresponding numbered coupons of Class A books issued as basic rations, as set forth in section 4.4.

SEC. 5.2 Application for supplemental rations. (a) Application for a supplemental ration for each vehicle shall be made separately to a Board on or after September 1, 1942, on Form OPA VIR-2, by the owner or person entitled to the use of a licensed passenger automobile or licensed motorcycle. Application on behalf of an individual may not be made by an agent. In the event that two or more passenger automobiles for which supplemental rations are desired are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicle shall, except for good cause shown, be submitted at the same time.

(b) An applicant shall establish his average monthly occupational mileage required for each of the following purposes during the ration period for which such ration is valid:

- (1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;
- (2) Driving in the course of such principal occupation;
- (3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used;
- (4) Transportation of essential food, fuel or for travel necessary for essential medicinal or therapeutic treatments for those residents of the Virgin Islands living at distances greater than one (1) mile from the Post Office in any district in which they reside, namely, Charlotte Amalia, St. Thomas, or Christiansted, St. Croix, or Frederiksted, St. Croix.

(c) Where two or more vehicles are used in a ride-sharing arrangement of the type described in section 5.3 (a), a separate application for a supplemental ration shall be made for each such vehicle, but all such applications must, except for good cause shown, be submitted at the same time. Each such application shall include only the mileage driven in the vehicle for which it is made.

SEC. 5.3 Allowance of mileage and number of gallons. (a) No occupational mileage shall be allowed by a Board for any purposes specified in section 5.2 (b), unless the applicant establishes that the transportation is needed for such purpose and that, in connection with the use of the vehicle for that purpose, either:

- (1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupation: *Provided*, That each such person must certify to his participation in the

² 9 F.R. 5156, 11063, 12613.
³ 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6801, 6775, 6964, 7149, 8808, 8895, 9316, 10228; 8 F.R. 28, 363, 1138, 1365, 2664, 17227, 11958.

ride-sharing arrangement by signing the application, or

(2) That no such ride-sharing arrangement can reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing the limited capacity of the vehicle, the absence of a fixed place of work, the necessity of traveling at unusual or irregular hours, the necessity of traveling over routes not feasible for other persons who might be carried, or such other reasons as the Board may find sufficient.

(ii) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, and four or more persons are not regularly carried in such vehicle in connection with their occupations, the application must be certified, as indicated thereon, by a responsible official of the organization for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow a monthly mileage for any of the purposes listed in section 5.2 (b) for which the applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall then compute the number of gallons to be allowed monthly by dividing the monthly mileage allowed by the average actual number of miles obtained per gallon in the vehicle for which application for supplemental ration is made: *Provided*, That the Board may not allow more than twelve (12) gallons per month in the case of a passenger car, or six (6) gallons, in the case of a motorcycle, for occupational mileage unless the number of gallons in excess of such 12 or 6 gallons is to be used for preferred mileage as defined in section 5.5.

(c) The total number of gallons allowed by a Board to any applicant for occupational mileage shall not, except upon specific written authorization by the Director, after showing of proven need, exceed thirty-six (36) gallons per month for a passenger automobile, or eighteen (18) gallons per month for a motorcycle.

SEC. 5.4 Issuance of supplemental rations. (a) Supplemental rations shall be issued for the number of gallons allowed by the Board in accordance with section 5.3, for the unexpired portion of the ration period for which the ration book issued is valid.

(b) The Board shall issue, in the event that the number of gallons allowed by the Board is eight (8) gallons per month or less for a passenger automobile or motorcycle, sufficient coupons in one Class A book in addition to the Class A book issued as a basic ration, to provide the number of gallons allowed by the Board as occupational mileage for the six-month ration period. In the event that the number of gallons allowed by the Board

exceeds eight (8) gallons per month, the Board shall issue sufficient coupons in one Class B and/or Class A books to provide the number of gallons allowed by the Board.

SEC. 5.5 Preferred mileage. The mileage driven, in a passenger automobile or motorcycle, necessary for carrying out one or more of the following purposes shall be deemed preferred mileage:

(a) By a duly elected or appointed agent, officer, representative, or employee of a Federal, Insular, Municipal or foreign government or government agency for performing the official business or carrying out an official function of such government or government agency in a passenger automobile or motorcycle owned or leased either by such government or government agency or by its agent or employee.

(1) For the purpose of this paragraph:

(i) Daily or periodic travel between home and lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function.

(ii) Travel by duly elected members of a municipal council between their places of residence and the place where the council convenes, for the sole purpose of attending the council sessions, or committee meetings of the council, shall be deemed the carrying out of an official function.

(b) By public school teachers or officials for the performance of official duties which require travel from school to school.

(c) By a licensed physician, surgeon, osteopath, chiropractor, or veterinarian, or by a midwife or nurse, for making necessary professional calls or rendering necessary professional services.

(d) By a regularly practicing minister of any religious faith who actually serves a congregation, or by any religious practitioner qualified to minister to the religious needs of the members of a congregation, for giving religious comfort, assistance, advice or instruction.

(e) By a farmer, for transporting farm products and necessary farm supplies between farm and market, shipping point or point of delivery, or between one farm establishment and another.

(f) By members of the armed forces of the United States for transportation to, from or between places at which their duties are performed, and between their residences and places at which their duties are performed.

(g) By a worker (including an executive, technician, or office worker, but not including salesmen) or by an employer, employer's representative or representatives of a labor organization in travel to, from, within, or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishments or facilities or to the maintenance of peaceful industrial relations therein:

(1) Naval, military or hospital establishments or facilities;

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants or establishments engaged in the war

production or distribution of heat, light, power, petroleum products, gas, steam or water; or of irrigation, drainage, flood-control or sanitation systems; or of telephone, telegraph, radio, or other communications systems; or newspapers.

(h) By engineers, architects, technicians, supervisors, repair and maintenance men or other workers (but not including salesmen) to enable them to render services or to transport materials and equipment necessary for construction, repair, installation, or maintenance work (other than the repair or maintenance of portable household appliances) which is essential to the war effort or the civilian economy; or for rendering indispensable services of a specialized nature to agricultural, extractive or industrial establishments. "Services of a specialized nature" shall include services related to the natural breeding of livestock; crop or livestock inspection in connection with the marketing or processing thereof; inspection in connection with the improvement of farm sanitation; protection of crops, livestock or farms from blights, diseases or pests; and soil conservation.

(i) In a motorcycle, for delivery or messenger service.

ARTICLE VI—SERVICE RATIONS

SEC. 6.1 Service rations. (a) The owner or the person entitled to the use of a licensed motor vehicle which is found by the Board to be in one or more of the classes listed below may obtain a service ration providing the number of gallons necessary for the mileage allowed by the Board for the purpose or purposes specified for each class:

(1) A taxicab or vehicle available for public rental: *Provided*, That a lessee of a vehicle available for public rental may not obtain a service ration for such vehicle unless his use of the vehicle is for a purpose specified in this section.

(2) A bus which is part of a regular system for the transportation of persons.

(3) A truck used as a carrier of persons or property in connection with a regular business or occupation, or owned or leased by and operated by a Federal, Insular, municipal, or foreign government or government agency, and used exclusively for the official business of such government or government agency.

(4) A motor vehicle specially built or re-built as an ambulance or hearse used for the transportation of invalids, injured, sick, or deceased persons, or a hospital car used solely and exclusively for the transportation of physicians, nurses, or other hospital employees in connection with rendering medical treatment or performing other duties for the hospital.

SEC. 6.2 Service ration for owners of leased vehicles. (a) No owner of a motor vehicle which is in the possession of another person under a lease or rental agreement may obtain a service ration for such vehicle more than five days prior to the expiration date of such lease or rental agreement.

SEC. 6.3 Service ration books. (a) Class C books, containing numbered coupons valid for such periods as may be designated by the Director, shall be issued as service rations.

(b) On and after December 16, 1942, no Class C coupons issued as a service ration shall be used in the transfer of gasoline unless a number designating the rationing period for which it is valid shall have been printed on the face thereof by the Office of Price Administration.

(c) On and after December 16, 1942, Class C coupons issued as service rations prior to that date shall not be valid for use in exchange for service rations of gasoline, but instead every holder of such Class C book shall submit the same to the Office of Price Administration and in lieu thereof a new Class C book, the coupons of which shall have been printed in accordance with the provisions of paragraph (b) of this section, shall be issued to the person entitled to such service ration.

SEC. 6.4 Application for service rations. (a) Application for a service ration may be made to a Board by the owner or the person entitled to the use of the vehicle, or the agent of either of them, on and after September 1, 1942, on Form OPA VIR-3. One application form may be used for all vehicles for which the applicant seeks a service ration.

SEC. 6.5 Issuance of service rations. (a) Service rations shall be issued to eligible applicants in the manner indicated below:

(1) *Taxicabs.* The amount of coupons allowed by a board pursuant to section 6.6 (a). Any taxicab which requires additional coupons shall make application to the Board, who may, upon written authorization of the Director, issue additional coupons to satisfy the applicant's proven need. No coupons shall be issued to any taxicab unless it:

- (i) Carries as many persons as is legally and practically possible on each trip;
- (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) *Buses:* Sufficient coupons in Class C coupon books or bulk coupons, if bulk coupons are requested, to provide the number of gallons necessary for the minimum mileage required for the three-month ration period for the operation of the bus on the routes and schedules normally followed by the bus.

(3) *Trucks:* Sufficient coupons in one or more Class C books to provide the number of gallons allowed by the Board for the monthly mileage required for the three-month ration period. The Board shall allow only the number of gallons absolutely required by the truck for the carrying of persons and property in the course of a business or occupation: *Provided,* That the Board may not allow a monthly number of gallons for trucks in excess of 32 gallons a month, except for essential trucking as provided for in section 6.6 (b).

(4) *Ambulances, hearses, and hospital cars:* Sufficient coupons in Class C coupon books to provide the number of gallons allowed for the minimum mileage required by the ambulance or hearse for

the three-month ration period to transport invalids, injured, sick, or deceased persons, or for the hospital car to transport physicians, nurses, or hospital employees in connection with rendering medical treatment or performing other duties for the hospital.

SEC. 6.6 Issuance of essential service rations to taxicabs and trucks. (a) A board may issue up to one Class C book for any taxicab which regularly carries persons to or from, or in the course of an occupation for which preferred mileage is allowed pursuant to section 5.5.

(b) On or after October 1, 1942, a Board, in its discretion, may issue one or more additional Class C books for any truck the principal use of which is made in one or more of the following essential services:

- (1) To maintain fire-fighting services;
- (2) To maintain necessary public police services, or to enforce laws relating specifically to the protection of public health or property;
- (3) To maintain garbage and night soil disposal, and other sanitation services;
- (4) To carry mail;
- (5) To transport ice, water, milk, and fuel;
- (6) To transport farm products, including sugar, vegetables, fruits, and other food crops, to processing plants, storage houses, or wholesale or retail establishments, but not from retail establishments to consumers;
- (7) To transport food and food supplies to wholesale or retail establishments, but not from retail establishments to consumers;
- (8) To transport medicines or medical equipment;
- (9) To transport waste and scrap material;
- (10) To maintain the essential services of public utilities system;
- (11) To transport material and equipment for strictly essential farm, highway, industrial, or government construction, maintenance, or repair.

The Board shall issue such additional coupon books only if a request therefor on the original application is signed by the applicant on or after October 1, 1942.

(c) The Board shall issue sufficient coupons to provide the number of gallons allowed for the minimum mileage required by the taxicab or truck, solely in the carrying of persons to, from or in the course of their occupations for which preferred mileage is allowable, or solely in the performance of an essential truck service or services, for the entire ration period for which the initial service ration was issued.

SEC. 6.7 Computation of gallons. (a) The Board shall compute the number of gallons necessary for the mileage allowed pursuant to this section by dividing the mileage allowed by the average actual number of miles obtained per gallon by the vehicle when it is efficiently operated.

ARTICLE VII—SPECIAL RATIONS

SEC. 7.1 Application for special rations. (a) The owner or person entitled to the use of a motor vehicle, or of

a motor boat or outboard motor, who finds that transportation in such a vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a special ration. Application for a special ration on behalf of an individual may not be made by an agent. A special ration may be issued for any period not exceeding six months from the date of application.

(b) Special rations may be issued in order to permit acquisition of gasoline for use in a motor vehicle, motorboat, or outboard motor for one or more of the following purposes:

(1) To obtain necessary medical attention or therapeutic treatment or to procure strictly necessary food and supplies;

(2) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, solely for the purpose of demonstrating such vehicle or boat to prospective purchasers or for delivery after sale, or to test the motor for such vehicle, or to remove a purchased or repossessed motor vehicle or motorboat, or a vehicle or boat seized pursuant to judicial process or by a government authority, to a place of storage: *Provided,* That no ration in excess of four (4) gallons per month per vehicle or boat shall be granted for any such purpose;

(3) To remove a vehicle or boat in connection with a *bona fide* change in a place of residence;

(4) To carry persons to and from the polls for the purpose of voting in public elections; or by a duly qualified and *bona fide* candidate for public office for purposes essential to the prosecution of his candidacy.

(c) Application shall be made on Form OPA VIR-5 and the applicant shall state, in addition to such other information as may be required:

(1) The purpose for which a special ration is sought and the period during which such ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat, or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) The number of miles of driving or, in the case of a boat or outboard motor, the amount of gasoline claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the special ration is needed.

SEC. 7.2 Form and issuance of special rations. (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That any ration previously issued for such vehicle, boat, or outboard motor is not reasonably adequate or cannot be used for such purposes; and

(3) That transportation is necessary to the accomplishment of such purpose.

(b) If the Board grants the application, it shall determine the quantity of

gasoline which is essential to the applicant for the period for which such ration is sought for the purpose or purposes stated and shall issue a coupon book or books of any appropriate class containing sufficient coupons to allow the applicant the quantity of gasoline determined by it to be essential. It shall mark "Special" any book which it so issues. The Board shall remove from the book and immediately destroy any coupons in excess of the number issued.

ARTICLE VIII—NON-HIGHWAY RATIIONS

SEC. 8.1 *Non-highway rations.* (a) Any person who requires gasoline for a non-highway purpose may obtain a Class R Coupon book as a non-highway ration authorizing the transfer of the amount of gasoline required for such purpose during the six-month period for which such book shall be valid: *Provided, however,* That in lieu of a Class R coupon book a Board may issue a class C coupon book as a non-highway ration for a three-month period, with the words "Non-Highway" printed plainly on the outside cover of such book, and the space for authorization for transfer in bulk checked affirmatively on the inside cover. Each non-highway ration book issued with respect to a motorboat or outboard motor for non-occupational use shall be so designated by the Board on the inside cover.

(b) The ration periods for Class R coupon books issued as non-highway rations shall be six months in length and shall commence on November 11, 1942, May 15, 1943, and each six-month period thereafter.

SEC. 8.2 *Application for non-highway rations.* (a) Applications for non-highway rations may be made to the Boards, on or after September 1, 1942, on Form OPA VIR-4. Application may be made by an agent.

SEC. 8.3 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the six-month ration period and shall issue to the applicant, subject to the provisions of paragraph (b) of this section, sufficient coupons in one or more Class R coupon books to provide the number of gallons determined by the Board to be needed for the six-month ration period. The Board shall remove from the book and immediately destroy any coupons in excess of the number allotted and shall note the ration period on the cover of each book issued: *Provided, however,* That no class C book issued as a non-highway ration, or any coupon therefrom, shall be valid until and unless the same has been presented at the Office of Price Administration for numbering and dating so that not more than one month's ration, as determined by the Board, shall be available to the holder thereof in any thirty (30) day period.

(b) If application is made for a non-highway ration for use with a motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons times the manufacturer's rated horsepower of the motor or motors, but in any event not more than 144 gallons for the six-month ration period.

(2) In the case of an outboard motor, the number of gallons equal to five times the manufacturer's rated horsepower of such motor, but not in excess of 24 gallons for the six-month ration period.

(c) Except as provided in section 13.2 (a), no more than one non-occupational ration may be used for an inboard motorboat or an outboard motor during any six-month ration period.

ARTICLE IX—ARMY, NAVY, AND CERTAIN OTHER AGENCIES

SEC. 9.1 *Issuance of ration books by Office of Price Administration.* (a) Coupon books of all types designated in Revised Ration Order No. 8 may be issued by the Director of the Office of Price Administration for the Virgin Islands, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents, or employees shall make application therefor to the Director of the Office of Price Administration for the Virgin Islands and shall state the number and type of books required and the use for which such books are intended.

SEC. 9.2 *Acknowledgment of delivery and allotment authorizations.* (a) The Army, Navy, Marine Corps, Coast Guard, and Maritime Commission of the United States may obtain gasoline in exchange for a duly executed acknowledgment of delivery on Form OPA R-544. Such form shall bear the signature of an authorized officer, agent, or employee of any such agencies and shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

(b) The Army, Navy, Marine Corps, and Coast Guard of the United States, may obtain gasoline, and any person authorized by one of such agencies may obtain gasoline needed for the performance of services for such agency, in exchange for an allotment authorization executed by an authorized officer thereof. Such allotment authorization shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

SEC. 9.3 *Use of gasoline obtained by Army and other exempt agencies.* (a) Gasoline obtained pursuant to section 9.2 may be used without restriction by the agency for which the acknowledgment of delivery form or allotment authorization is issued.

(b) Gasoline obtained pursuant to section 9.2 may not be used in a vehicle, boat, or motor not owned, leased, or operated by the agency issuing such ac-

knowledgment of delivery form or allotment authorization unless the person obtaining such gasoline surrenders, to the officer executing such form or to the person transferring such gasoline, valid ration coupons having a gallonage value equal to the amount of gasoline transferred or authorized to be transferred by the Acknowledgment or Allotment Authorization. Coupons so surrendered shall be destroyed by the agency receiving them.

(c) For the purpose of this section the term "Army" shall include Post Exchanges operated by the Army of the United States, and the term "Navy" shall include Naval stores operated by the United States Navy.

ARTICLE X—GALLON VALUE OF COUPONS

SEC. 10.1 *Value of coupons.* (a) Each gasoline ration coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

| Class: | Gallons |
|--------|---------|
| A..... | 2 |
| B..... | 4 |
| C..... | 2 |
| R..... | 1 |

(b) The value of each coupon in gallons of gasoline may be changed and established from time to time by order or direction of the Office of Price Administration.

ARTICLE XI—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF GASOLINE RATIIONS

SEC. 11.1 *Application forms.* Every applicant for a ration shall fill out and execute the appropriate application form for the class of ration applied for and shall furnish the information required by such form.

SEC. 11.2 *Appearances before Boards.* (a) The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence, or supply such information in addition to that contained in the application form, as it may deem material.

SEC. 11.3 *Presentation of license receipt or other certificate.* (a) No gasoline ration, other than a ration issued pursuant to section 7.2, shall be issued for any motor vehicle unless the applicant for a ration presents to the Board a receipt for the payment of a motor vehicle license fee, issued by a municipality of the Virgin Islands, or a registration card or registration certificate of a state of the United States or of any foreign or territorial government, authorizing, or signifying the payment of a fee on, the operation of such vehicle during all or part of the period for which such ration is to be issued.

SEC. 11.4 *Notation on license receipt or other certificate.* (a) At the time of issuing a gasoline ration for a licensed motor vehicle for which a license receipt or other certificate must be presented, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the front of the license receipt or other certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book issued.

SEC. 11.5 Notation on ration books and applications. (a) At the time of issuance of any ration book for a licensed motor vehicle, the person issuing such book shall, unless a fleet identification is used as provided in paragraph (b) of this section, make a clear notation on the cover thereof, in ink, indelible pencil, or by typewriter, of the license number of the vehicle for which it is issued and of the name and address of the licensed owner of such vehicle. The Board shall also make a notation on the cover of such book, other than a basic book, and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) An applicant for a gasoline ration for fleet vehicles may request the Board to note on the ration books issued the name or other identification of the fleet, in lieu of the license number of a particular vehicle. The Board may grant such request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation. Any book on which a fleet identification is noted may be used, interchangeably, for all vehicles in the fleet bearing such identification.

(c) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

SEC. 11.6 Change in motor vehicle license number. (a) The holder of a ration book issued for a licensed motor vehicle, other than a ration book bearing a fleet identification, shall upon any change in the license number of such vehicle, submit such ration book, together with the license certificate or registration card evidencing the new number, to a Board within five (5) days after such change for the purpose of having the notation thereon changed to correspond to the new license number. The person authorized to make the change for the Board to which such book is presented shall obliterate the license number appearing thereon; note thereon, in ink, indelible pencil, or by typewriter, the new license number issued for such vehicle, and countersign or initial the change made on the book. Notation on the new license receipt or registration card shall also be made, as prescribed in section 11.4.

(b) Nothing in this section shall be construed to authorize the continued use of a ration book after the change in ownership of the vehicle for which it was issued has taken place.

SEC. 11.7 Removal of coupons. The Board shall remove from every ration book, and shall immediately destroy, all coupons in excess of the number to be issued under the provisions of Revised Ration Order No. 8.

SEC. 11.8 Authorization of bulk purchase. (a) Any person who establishes to the satisfaction of a Board that he wishes, pursuant to a regular business practice, to purchase gasoline in bulk, may, when applying for a gasoline

ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If the applicant establishes the facts required by paragraph (a) hereof, the Board shall issue bulk coupons to the extent of the number of gallons allowed by it for which bulk coupons are requested: *Provided*, That the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it shall then issue bulk coupons, to the extent requested by the applicant, having a gallon value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued. Such bulk coupons shall expire on, and may not be used for the transfer of gasoline to a consumer after, the date on which such coupon books would require.

SEC. 11.9 Lost, stolen, destroyed, mutilated or wrongfully withheld coupon books or bulk coupons. (a) In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of such coupons from the rightful holder, the person entitled to the possession thereof shall make application for the replacement of such book or coupons pursuant to the provisions of Procedural Regulation No. 12: *Provided*, That where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the Board shall waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12 where such requirement will result in extreme hardship upon the individual, impede essential transportation or will be contrary to the public interest.

(b) Any person who finds a gasoline coupon book, coupon, exchange certificate or other evidence shall, within five (5) days, surrender it to the Director or Assistant Director.

SEC. 11.10 Signature on book. (a) No coupon book shall be valid until the person to whom such book is issued has signed the certification provided for therein.

SEC. 11.11 Alteration on book. (a) Any alteration on the face or cover of any coupon book, unless made and countersigned by a person authorized to do so under Revised Ration Order No. 8, shall render such book, and the coupons therein, invalid.

SEC. 11.12 Notation by ration holder. (a) Immediately upon receipt of any ration coupons each person to whom such coupons are issued shall write, stamp, or print clearly and in ink or shall write or print clearly in indelible pencil on the face of the coupons issued to him the following information:

(1) In the case of Class A, B, and C coupons, license number of the vehicle for which such ration was issued.

(2) In the case of Class R books issued as non-highway rations, the initials of the ration holder and the municipality in which the vehicle or machine is normally kept.

ARTICLE XII—RENEWAL OF RATIONS AND ISSUANCE OF FURTHER RATIONS

SEC. 12.1 Renewal of rations. (a) At any time within ten (10) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration other than a basic ration may be made by executing the renewal certificate on such original application. The applicant shall, in such case, note on such renewal certificate any change in the nature or amount used since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided to sections 6.6 and 12.2, no further ration of any class may be issued for use prior to, or may be used prior to, the expiration of the current ration of such class.

SEC. 12.2 Issuance of further ration for use prior to expiration date of current ration. (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculations of needs, a ration of any class other than a basic ration issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than ten (10) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more reasons specified in paragraph (a) of this Section, more mileage is needed or, in the case of a non-high-

⁸ 8 F.R. 3171, 6543, 11688, 14737, 15461; 9 F.R. 6108, 12537, 14536.

way ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration by issuing sufficient further coupons in one or more coupon books to permit transfer of gasoline in the amount of the further ration allowed.

(d) All of the provisions of Revised Ration Order No. 8 applicable to the issuance of an original ration shall apply to the issuance of a further ration.

ARTICLE XIII—EXPIRATION AND REVOCATION OF RATION

SEC. 13.1 Surrender of expired coupons. (a) No coupon book issued in the Virgin Islands shall be valid for the transfer of gasoline to a consumer in the Virgin Islands after the expiration thereof, or to any consumer at any time outside the Virgin Islands.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all expired coupon books and all unused coupons representing such ration.

SEC. 13.2 Expiration of ration. (a) Every ration shall expire at midnight on the last day of the ration period for which it is issued.

(b) Upon cessation of use or bona fide change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board by the person to whom such ration was issued. No basic, supplemental, service, or fleet ration or ration issued pursuant to section 7.1 (b) (2) shall be issued for any motor vehicle which has changed ownership after November 15, 1943, unless the applicant submits to the Board with his application for such ration, a duplicate copy of a receipt on Form OPA R-569 obtained pursuant to the provisions of section 13.5. Any ration which has been issued after a change in ownership of a vehicle may be renewed without presentation of receipt.

(c) Upon cessation of use of a ration, other than a basic ration, for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

SEC. 13.3 Denial of gasoline ration. (a) No person whose name has been recorded by a Board, in accordance with the provisions of section 13.4 (c) for refusal to surrender a gasoline ration book upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination shall be entitled to obtain a ration of any type under Revised Ration Order No. 8 or under Ration Order No. 1C while his name remains thus recorded.

SEC. 13.4 Review by Local Boards of application for gasoline rations. (a) Any Board may review an application for a gasoline ration of any class, made in the area over which it has jurisdiction, or referred to it by another Board, in order

to determine whether the holder of the ration was entitled to receive it. The Board may also require the holder of a supplemental, service, non-highway, or special ration to appear before it for examination in order to determine whether such ration is being used in accordance with the provisions of Revised Ration Order No. 8. The Board shall give the holder written notice of the time and place fixed for such appearance. The notice shall be deemed sufficient if mailed to the address shown on the application at least five (5) days prior to such time. The Board may designate one or more of its members to perform the functions prescribed in this section.

(b) If the Board finds that the ration holder was not entitled to receive the ration issued, or, if it finds that a ration issued is being used for a purpose other than one for which such ration may be obtained, it shall revoke such ration and shall direct that any coupons or coupon books issued therefor be surrendered to it. If it finds that the holder is entitled to a ration of a different class or quantity than that issued, it may issue such ration as it finds the holder entitled to receive pursuant to the provisions of Revised Ration Order No. 8 in place of the ration revoked.

(c) The Board shall record the name of any ration holder who refuses to comply with a direction of the Board pursuant to paragraph (b) of this section or who fails or refuses to appear for examination in accordance with a notice sent by the Board pursuant to paragraph (a) of this section: *Provided*, That if a person whose name has been recorded for failure or refusal to appear for examination shows good cause to the Board for such failure or refusal, his name shall be stricken from such record upon compliance with the Board's direction with respect to the disposition of his ration. The Board shall notify the Director of the Office of Price Administration for the Virgin Islands immediately after so recording any name and immediately after striking any name from the record. Any person whose name remains recorded shall be prohibited from securing any tire inspection record or any ration under the provisions of Revised Ration Order No. 8 or Ration Order 1C.

SEC. 13.5 Use of receipt in transferring motor vehicles. (a) Upon receiving the surrender, pursuant to section 13.2 (b) of all the unused coupons and coupon books representing the ration issued for use with any motor vehicle, boat or equipment for which a gasoline ration has been issued, the ownership of which is being transferred to a new owner, the Board shall issue to the transferor of the vehicle a receipt on Form OPA R-569 in duplicate. When a Board is satisfied that the ration issued to the transferor of the vehicle has been lost, stolen, or accidentally destroyed, or is being wrongfully withheld from the possession of the transferor, or that no currently valid ration has been issued for use with such vehicle, or is satisfied that to refuse to issue such receipt or to require surrender of such ration would cause undue hardship, the Board may

issue such a receipt in duplicate without the surrender of such coupon or coupon books.

(b) After November 15, 1943, any person who transfers any motor vehicle, boat or equipment, for which a gasoline ration has been issued shall deliver to the transferee at the time of transfer duplicate copies of a Receipt duly issued by a Board on Form OPA R-569.

(c) After November 15, 1943, the transferee of such motor vehicle, or boat, before registering such vehicle in the Virgin Islands for use, shall present the original copy of the receipt to the proper registrar of such motor vehicles, or boats: *Provided*, That no such presentation is required of the transferee of equipment for which a gasoline ration has been issued pursuant to section 8.3. The duplicate copy of the receipt shall be submitted by the transferee of such motor vehicle, boat or equipment to the Board pursuant to the provisions of section 13.2 (b) at the time he applies for a ration for the motor vehicle, boat or equipment.

ARTICLE XIV—RESTRICTIONS ON USE OF RATIONS AND GASOLINE

SEC. 14.1 Restrictions as to purposes. (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, service, or non-highway ration has been issued may use or permit the use of such ration for a purpose other than that for which such ration may be obtained.

SEC. 14.2 Rations not transferable. (a) No ration may be transferred or assigned. A ration may, however, subject to the provisions of section 14.4 be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

SEC. 14.3 Change of occupation. (a) The holder of a supplemental ration based on preferred mileage, as defined in section 5.5, shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds that such motor vehicle will no longer be used for a preferred purpose listed in section 5.5, it shall notify such holder, in writing, that his right to such ration is to be re-examined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall

recall all coupon books based on preferred mileage issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in section 5.5 it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose, listed in section 5.5, it shall revoke the ration and recall the coupons or coupon books originally issued and shall issue, in lieu thereof, such ration, if any, as it determines that the holder is entitled to receive on the basis of his new application.

SEC. 14.4 Use of rations issued for vehicles or boats available for public rental. (a) A motor vehicle rental agency may permit a lessee to use a Service ration issued to such agency for a vehicle leased by him, during the period of a bona fide lease for one week or less. In the case of any lease other than a bona fide lease for one week or less, the lessee may not use or be permitted to use the Service ration issued to such agency for such vehicle, but shall apply for a ration on his own behalf, pursuant to the provisions of paragraph (b) of this section.

(b) A lessee of a vehicle available for public rental who leases such vehicle for a period of more than one week shall be deemed to be a person entitled to the use of such vehicle, within the meaning of section 5.2. Such lessee may apply for a ration for use of such vehicle on his own behalf, and his right to such ration shall be determined solely by the nature and extent of his use of the vehicle. Application by such lessee for a ration shall be made on Form OPA VIR-5. Upon termination of the lease, any ration issued to such lessee shall expire and all coupons or coupon books issued to him shall be returned by him to the issuing Board.

(c) A boat rental agency may permit a lessee to use a non-highway ration issued for an inboard motorboat or outboard motor leased to him, only during the period of a bona fide lease for one week or less. A lessee of such boat or motor who leases it for a period of more than one week may apply for a non-highway ration on his own behalf.

ARTICLE XV—RESTRICTION ON TRANSFER OF GASOLINE

SEC. 15.1 Restriction on transfer to consumers. (a) On and after September 16, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to any consumer, and no consumer shall accept transfer of such gasoline.

(b) On or after September 16, 1942, a dealer or distributor may transfer gasoline to a consumer in the Virgin Islands, and such consumer may accept such transfer of gasoline, only in exchange for valid coupons or other evidences issued in the Virgin Islands.

(c) No gasoline may be exported, or transferred to any person for export or for use or consumption in any country or island other than the Virgin Islands

of the United States, unless a written purchase order for such export or transfer is approved by the Director of the Office of Price Administration for the Virgin Islands. The Director shall signify his approval of the export by signing or initialing such purchase order.

(d) Notwithstanding any other provision of Revised Ration Order No. 8, the Director may, whenever, in his opinion, the supply of gasoline on the Virgin Islands becomes or threatens to become so limited that essential functions such as, but not limited to, protection of health, property, and maintenance of other necessary services for the well being of the population may be impaired, take the following emergency action:

(1) **Emergency order.** He may issue an emergency order limiting or prohibiting all transfers of gasoline to consumers in the Virgin Islands. Such order may provide that gasoline may be transferred only to persons presenting an emergency gasoline authorization to be signed by the Director. Such order shall require all dealers and distributors to file with the Director a sworn statement of a quantity of gasoline on hand at the effective time of the order.

(2) Such emergency gasoline authorization shall specify the date on which it is issued, the name of the person to whom issued, and the quantity of gasoline for which it shall be valid. It shall also state the purpose for which it is issued and that the gasoline to be obtained thereby shall be used for no other purpose.

(3) All emergency gasoline authorizations shall be numbered serially, copies thereof shall be maintained at all times in the Office of the Director and shall be used in lieu of the coupons provided for in Revised Ration Order No. 8.

(4) During the period in which such emergency order shall be in effect, such emergency gasoline authorizations shall be issued only for the exclusive use of such essential services and for such quantities as shall, in the exercise of good judgment, maintain such services, giving due consideration to the relative importance of each of such services, the available quantity of gasoline and the anticipated period of the emergency.

(5) As soon as shall be practicable after the termination of the emergency, the Director shall issue an appropriate order which shall contain provisions with respect to the resumption with the use of coupons.

SEC. 15.2 Transfer to consumers in exchange for coupons. (a) A transfer of gasoline may be made in exchange for coupons contained in Class A, B, and C books, under the following conditions:

(1) At the time of transfer, the transferor shall require presentation of the coupon book and must therefrom detach coupons having an aggregate gallon value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the gallon value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for

a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided*, That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further*, That bulk transfer may also be made of an amount of gasoline, not in excess of a minimum quantity necessary to enable a vehicle stranded for lack of fuel to reach a source of supply. In such case the transferor shall detach the coupon or coupons necessary and shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the period of validity of the coupons in exchange for which the transfer is to be made, and only if such coupon is properly endorsed by the ration holder. (See section 11.12.)

(b) Bulk transfer may be made in exchange for properly endorsed coupons contained in a Class R book, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate gallonage value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class R Book may be accepted or made into a fuel tank of a licensed motor vehicle or a motor vehicle held by a dealer for sale.

(c) Transfer may be made in exchange for bulk coupons. The transferor shall require surrender, at or before time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided*, That in the case of any delivery made in the absence of the transferor or his agent, or in the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within forty-eight (48) hours after delivery.

(d) Transfer may be made only in exchange for coupons bearing the notations thereon required by this section.

SEC. 15.3 Emergency transfers. (a) Transfer may be made in exchange for an emergency receipt on Form OPA R-555, which may be obtained from any dealer.

(b) Any person requiring gasoline in order to meet any emergency involving serious threat to life, health, or valuable property, may obtain such gasoline by signing an emergency receipt in triplicate and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a licensed motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an emergency receipt, shall transmit such emergency receipt, in triplicate, to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that the transferor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files, shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt, and shall send the third copy to the Director of the Office of Price Administration for the Virgin Islands.

SEC. 15.4 Transfer of vehicle, boat or equipment. (a) Nothing in Revised Ration Order No. 8 shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a *bona fide* transfer of such vehicle, boat, or equipment itself; or the consumption by the transferee in such vehicle, boat, or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

SEC. 15.5 Transfer of consumer establishments. (a) Nothing in Revised Ration Order No. 8 shall be deemed to forbid the transfer of gasoline actually in a storage tank or another container maintained by a consumer as part of an enterprise or establishment, in conjunction with a *bona fide* transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made shall forthwith report such transfer and the amount of gasoline involved to the Board having jurisdiction over the area in which such gasoline is located. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gallons of gasoline only for the purpose for which such ration may be issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

SEC. 15.6 Transfer from fuel tank to fuel tank of vehicles and boats forbidden. (a) No gasoline contained in the fuel tank of any licensed motor vehicle, inboard motorboat, outboard motor, or non-highway equipment shall be transferred therefrom to the fuel tank of any licensed motor vehicle, or of any inboard motorboat or outboard motor.

SEC. 15.7 Discrimination by dealers and distributors. (a) On and after September 1, 1942, no dealer or distributor shall discriminate in the transfer of gasoline among any consumers lawfully entitled to acquire gasoline under the provisions of Revised Ration Order No. 8 by selling only to favored customers or classes of consumers, or only to regular customers, and refusing to sell to others who are entitled to acquire gasoline under the provisions of Revised Ration Order No. 8. Nothing in this section, however, shall be construed to prohibit a dealer or distributor from adopting restrictions which apply to all consumers or from holding reserve stocks for delivery to persons presenting acknowledgment of delivery or allotment authorization duly executed by an authorized officer of the armed forces of the United States.

SEC. 15.8 Display of stickers. (a) No person may use a Class A, B, or C ration issued for a registered motor vehicle unless a sticker identifying the class of ration issued, in such form as may be prescribed by the Office of Price Administration, is affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times. A person to whom any ration in addition to Class A ration has been issued shall display only the sticker identifying such additional ration.

SEC. 15.9 Restriction on use of gasoline in vehicle without ration. (a) On and after September 16, 1942, no gasoline may be used in the Virgin Islands in a motor vehicle licensed in the Virgin Islands unless a sticker, indicating that a gasoline ration has been issued, is displayed on such vehicle in accordance with section 15.8.

SEC. 15.10 Restrictions on blending of gasoline. No person shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, for use in any motor vehicle, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

ARTICLE XVI—RECORDS AND AUDIT

SEC. 16.1 Registration of inventory and capacity. (a) No dealer having a place of business in the Virgin Islands shall make or receive any transfer of gasoline between the hours of 12 noon on November 11, 1942, and 8 a. m. November 12, 1942. During such hours every dealer shall take an actual physical inventory of his total gasoline supplies on hand and shall register, on Form OPA R-545, in duplicate, with the Board having jurisdiction of the area in which he has such place of business, at the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His total inventory of gasoline on hand as of the close of business on November 11, 1942.

(2) His total gasoline storage capacity.

(3) His name, firm name, business address, and type of business.

(4) A certification as to the correctness of each of the foregoing items of information.

Separate registration shall be made by a dealer for each place of business in the Virgin Islands where gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located.

SEC. 16.2 What constitutes gasoline on hand. (a) The registrant shall register all gasoline on hand whether in storage tanks, tank trucks, tank ships, tank barges, or in drums or in vessels alongside a dock or at anchor, also, all gasoline in drums or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to the close of business on November 11, 1942. Gasoline shipped to a dealer on or prior to November 11, 1942, shall be deemed to be gasoline transferred to him after November 11, 1942, and shall require an exchange therefor of coupons or other evidences.

SEC. 16.3 What constitutes storage capacity. (a) The registrant shall register the total capacity of all facilities for storage or dispensing gasoline in all premises under his control, whether in tanks with dispensing pump attached thereto, or space for the storage of drums.

SEC. 16.4 Issuance of registration certificates. (a) The Board, on determining that the information and certification submitted by the registrant are in good order, shall by authorized signature approve the same, file the duplicate, and return the original to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies and shall present it as an identification at the time of transacting business with any Board.

SEC. 16.5 Issuance of inventory coupons. (a) The Board shall at the time of its approval of any registration certificate, issue to the registrant inventory coupons in the amount of the difference between the total gasoline storage capacity for each place of business and the total inventory of gasoline on hand as certified by the registrant. A one-hundred gallon inventory coupon may at any time subsequent to registration be exchanged at any Board in the Virgin Islands by a dealer for an equivalent amount of one gallon inventory coupons.

SEC. 16.6 Restriction on use of inventory coupons. (a) Every dealer shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall exchange his inventory coupons only when a delivery to him exceeds the number of consumer coupons or other evidences available for exchange: *Provided, however*, That one-gallon inventory coupons may be used at any time to make the difference between the number of gallons in any delivery and the nearest number of gallons which can be represented by the use of consumer coupons or other evidences.

SEC. 16.7 Restriction on transfers. (a) Except as provided in section 16.8 no dealer shall transfer or offer to transfer to, or shall receive a transfer of gaso-

line from, any other dealer except in exchange for a quantity of coupons or other evidences, at or before the time of the actual delivery of the gasoline, equal in gallonage value to the amount of the gasoline so transferred.

SEC. 16.8 Night deliveries; third party deliveries. (a) When a distributor elects to make delivery of gasoline during the hours when the dealer is not open for business, the dealer shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to the distributor coupons or other evidences in an equal gallonage value, or may, at the discretion of the distributor, within twenty-four (24) hours of delivery forward to the distributor an amount of coupons or other evidences equal in gallonage value to the number of gallons so delivered.

SEC. 16.9 Preservation of coupons, coupon sheets. (a) Each dealer and distributor shall affix the coupons received by him directly from consumers to a coupon sheet (Form OPA R-542) in the manner directed thereon. Separate coupon sheets shall be maintained for coupons of each separate type; only coupons of one class shall be attached to any one sheet.

SEC. 16.10 Preservation of acknowledgements. (a) Each dealer and distributor shall attach the acknowledgements and allotment authorizations delivered to him by authorized purchasers to a summary of coupons and acknowledgements (Form OPA VIR-806) on which he shall enter for each such acknowledgement and allotment authorization in order, the date of purchase, name of purchaser, and number of gallons sold.

SEC. 16.11 Summary of coupons. Each dealer and distributor shall, prior to every delivery by him of coupons or other evidence, except exchange certificates, prepare in duplicate on Form OPA VIR-806 a summary of coupons and acknowledgements in the manner directed thereon, certifying the number of each type of coupon and the number of evidences to be delivered. The original of this summary shall be delivered by him attached to his coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. Dealers and distributors shall forward such summaries to their vendors.

SEC. 16.12 Invalidity of Class A and B coupons after expiration of bi-monthly period. (a) No dealer shall accept any coupon the period of validity of which has expired and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior to the expiration of its period of validity.

SEC. 16.13 Certification of shortage. (a) Dealers shall be permitted from time to time to apply on Form OPA R-549 for compensation for losses of gasoline through evaporation, handling, accident, or other extraordinary circumstances, and account for unavoidable loss of coupons. The certification of short-

age shall be submitted to the Director or the Assistant Director of the OPA, and shall show the nature and quantity of such shortage with a full explanation therefor. If on consideration of the certification or such other facts as he may require of the applicant, the Director or Assistant Director of the OPA is satisfied that the applicant has established the fact and reasonableness of such shortage, the Director or Assistant Director shall file the certification submitted and issue to the applicant a quantity of inventory coupons equal to the amount of the proven loss: *Provided*, That no inventory coupons or certificates shall be issued as compensation for a shortage resulting from shrinkage or evaporation, for a gallon value in excess of 2% of the number of gallons delivered each month.

SEC. 16.14 Reports by distributors. (a) Every distributor shall, within three days after the ending of each valid period as indicated in section 4.4 herein, and commencing with the month of April, 1943, submit to the Director of the Office of Price Administration for the Virgin Islands a written report for such valid period showing:

(1) The amount of gasoline on hand at the close of business on the last day of the preceding valid rationing period.

(2) The amount of gasoline imported into the Virgin Islands during the valid period for which the report is being made.

(3) The amount of gasoline exported from the Virgin Islands during such period.

(4) The amount of gasoline transferred to and received from other distributors during such period.

(5) The amount of gasoline on hand at the close of business on the last day of such period.

(6) The amount of gasoline transferred to the Armed Forces of the United States during such period.

(7) The amount of gasoline transferred to dealers or consumers during such period. Every distributor shall attach to such report all evidences received in exchange for gasoline so transferred by it during the period for which the report is made. The distributor shall include in its report a reconciliation of any difference between the total amount of gasoline reported so transferred and the total amount of gasoline represented by the evidences attached to the report.

SEC. 16.15 Reports by collector of customs. (a) As soon after the first of each month as is practicable, commencing with the month of October, 1942, the United States Collector of Customs for the Virgin Islands shall be requested to send to the Director of the Office of Price Administration for the Virgin Islands a written report for the previous calendar month containing the following information:

(1) The total amount of gasoline imported into the Virgin Islands during the previous month, and the amount imported by each distributor.

(2) The total amount of gasoline and the amount that each distributor exported from the Virgin Islands during the previous month.

(3) The total gasoline inventory of the distributors, and the inventory of each distributor, at the close of business on the last day of the month for which the report is made.

SEC. 16.16 Explanation by distributor. (a) The Director of the Office of Price Administration for the Virgin Islands may, at any time, request any distributor to explain a discrepancy existing between the figures supplied in its monthly report and the number of evidences turned in by it to the Office of Price Administration for the Virgin Islands and the monthly report made by the Collector of Customs. Any failure or refusal to explain such discrepancies shall constitute prima facie evidence that such distributor has transferred gasoline without accepting evidences therefor.

SEC. 16.17 Registration of new or reopened place of business. (a) Any dealer who opens or reopens a place of business not previously registered by such dealer shall, prior to receipt or transfer of any gasoline, register such place of business in the manner, provided in section 16.1, and shall be issued inventory coupons equal in gallon value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

SEC. 16.18 Cessation of business. (a) Any dealer who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the original certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallon value to the total capacity of the gasoline storage facilities of such place of business.

SEC. 16.19 Sale of place of business. (a) Any person acquiring from a dealer a place of business already registered in accordance with the provisions of section 16.1 shall, prior to receipt or transfer of any gasoline, register such place of business in the manner provided in sections 16.1 to 16.6, inclusive; except that he shall be issued inventory coupons equal in gallon value to the total capacity of the entire gasoline storage facilities of such place of business. He shall then deliver to the transferor of such place of business a quantity of inventory coupons equal in gallon value to the total amount of gasoline on hand as of the time of transfer. The transferor shall deliver, to the Board having jurisdiction of the area in which the place of business transferred by him is located, the certificate of registration of such place of business, together with a quantity of coupons or other evidences equal in gallon value to the total capacity of the entire gasoline storage facilities of such place of business.

SEC. 16.20 Change of storage capacity. (a) Any dealer in any manner altering the total capacity of the gasoline

storage facilities of a place of business shall deliver for cancellation to the Board having jurisdiction of the area in which such place of business is located, his original certificate of registration, and shall obtain a new certificate of registration in the manner provided by sections 16.1 to 16.6, inclusive. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. Where the capacity of the gasoline storage facilities is decreased, the dealer shall furnish to the Board a quantity of coupons or other evidences equal in gallon value to the amount of the decrease. Where the capacity of his gasoline storage facilities is increased, the Board shall issue to the dealer in the manner described in section 16.3 a quantity of inventory coupons equal in gallon value to the amount of the increase.

SEC. 16.21 Inspection of records and facilities. (a) All records, reports, forms, accounts or other documents required by Revised Ration Order No. 8 to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees or by such persons as the Office of Price Administration may designate for the purpose of making inspections. Such inspections may be made at the place of business of any such person during regular hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

ARTICLE XVII—ADJUSTMENTS AND APPEAL

SEC. 17.1 Appeals from decisions of Boards. (a) Any person may appeal to the Director from an adverse decision of a Board. Such appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9⁷ issued by the Office of Price Administration.

ARTICLE XVIII—ENFORCEMENT

SEC. 18.1 Criminal prosecution. (a) Any person who knowingly falsifies an application or any other record or certificate made pursuant to or required by the terms of Revised Ration Order No. 8, or who otherwise knowingly furnishes false information to a Board, or any other agent, employee or officer of the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, may upon conviction be fined not more than \$10,000.00 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties as may be prescribed by law.

(b) Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by any provision of Revised Ration Order No. 8 may, upon conviction, be fined not more than \$10,000.00, and imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by all applicable statutes.

⁷ 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806, 12482, 14211; 9 F.R. 1594, 4539, 10491; 10 F.R. 2478.

SEC. 18.2 Suspension orders. (a) Any person who violates this Revised Ration Order No. 8, may by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any rationed commodity. Proceedings for the suspension order shall be instituted and governed pursuant to the provisions of Revised Procedural Regulation No. 4.⁸

This Revised Ration Order 8 shall become effective May 29, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of May 1945.

JACOB A. ROBLES,
Director for the Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-8790; Filed, May 24, 1945;
11:38 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 10]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Ration Order 10 is redesignated Revised Ration Order 10 and is revised to read as set forth below:

Pursuant to the authority vested in the Office of Price Administration by Directive No. 1 of the War Production Board issued January 24, 1942, and by Food Distribution Administration Directives No. 3 and No. 9, issued February 15, 1943 and July 13, 1943, respectively, *It is hereby ordered, That:*

DEFINITIONS

| | | |
|--------------------------------------|----------|---|
| Sec. | 1407.601 | Definitions. |
| SCOPE OF REVISED RATION ORDER NO. 10 | | |
| | 1407.621 | Territorial limitations. |
| | 1407.622 | Scope of restriction. |
| | 1407.623 | Commodities subject to Revised Ration Order No. 10. |

ADMINISTRATION AND PERSONNEL

| | | |
|--|----------|---------------------------------|
| | 1407.641 | Personnel. |
| | 1407.642 | Jurisdiction of Boards. |
| | 1407.643 | Transfer of registration files. |
| | 1407.644 | Records confidential. |

RESTRICTIONS ON TRANSFERS AND USE OF RATIONED COMMODITIES

| | | |
|--|----------|---|
| | 1407.661 | Restriction on transfer for use. |
| | 1407.662 | Transfers to consumers. |
| | 1407.663 | Transfers to institution and industrial users. |
| | 1407.664 | Restriction on use. |
| | 1407.665 | Transfers to dealers, Army, Navy, and certain other persons and agencies. |
| | 1407.666 | Transfers for supplies of vessel. |
| | 1407.667 | Valid period of stamps and certificates. |
| | 1407.668 | Export. |
| | 1407.669 | Emergencies. |
| | 1407.670 | Restrictions on transfers and use of ration commodities. |

⁸ 9 F.R. 9412.

CONSUMERS—REGISTRATION AND RATIONS

| | | |
|------|----------|--|
| Sec. | 1407.681 | Eligibility for rations. |
| | 1407.682 | Registration and application. |
| | 1407.683 | Information required. |
| | 1407.684 | Certifications. |
| | 1407.685 | Issuance of ration. |
| | 1407.686 | Surrender of War Ration Books. |
| | 1407.687 | Designation of consumer ration periods and weight value of stamps valid therein. |

COMMERCIAL AND NON-COMMERCIAL INSTITUTION REGISTRATION AND ISSUANCE OF RATIONS

| | | |
|--|----------|---|
| | 1407.701 | Registration. |
| | 1407.702 | Application for rations. |
| | 1407.703 | Basic ration. |
| | 1407.704 | Designation of amount of rationed commodity allowed per person served by institutional users. |
| | 1407.705 | Excess inventory. |
| | 1407.706 | Issuance of certificate. |
| | 1407.707 | New business. |
| | 1407.708 | Certification. |

INDUSTRIAL USE REGISTRATION AND RATION

| | | |
|--|----------|--------------------------|
| | 1407.721 | Registration. |
| | 1407.722 | Application for rations. |
| | 1407.723 | Certification. |
| | 1407.724 | Determination of ration. |
| | 1407.725 | Excess inventory. |
| | 1407.726 | Increase of rations. |
| | 1407.727 | New businesses. |

DISTRIBUTORS

| | | |
|--|----------|-------------------------------|
| | 1407.741 | Registration of distributors. |
| | 1407.742 | Certification. |

REPORTS AND RECORDS

| | | |
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| | 1407.761 | Records of transfers received and of use. |
| | 1407.762 | Records of transfers made. |
| | 1407.763 | Reports. |
| | 1407.764 | Preservation and inspection of records. |

MISCELLANEOUS PROVISIONS

| | | |
|--|----------|--|
| | 1407.781 | Transfer of establishments. |
| | 1407.782 | Liquidation of establishments. |
| | 1407.783 | Judicial seizures. |
| | 1407.784 | Lost, destroyed, mutilated, or stolen War Ration Books and certificates. |
| | 1407.785 | Lost, destroyed, stolen or damaged commodities. |
| | 1407.786 | Exchanges. |
| | 1407.787 | Enforcement agencies. |
| | 1407.788 | Correction of errors. |
| | 1407.789 | Unlawful use or possession. |

APPEALS

| | | |
|--|----------|-------------------------------|
| | 1407.801 | Appeal to board. |
| | 1407.802 | Appeal to director. |
| | 1407.803 | Extension of time for appeal. |
| | 1407.804 | Action on appeal. |
| | 1407.805 | Finality of findings. |

ENFORCEMENT

| | | |
|--|----------|------------|
| | 1407.821 | Penalties. |
|--|----------|------------|

AUTHORITY: §§ 1407.601 to 1407.900, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., by Pub. Law 507, 77th Cong., and by Pub. Law 421, 77th Cong.; E.O. 9250, 7 F.R. 7671; WPB Directive No. 1; E.O. 9280, 7 F.R. 10179; F. D. A. No. 3, 8 F.R. 2005, F. D. A. No. 9, 8 F.R. 9600.

Definitions

§ 1407.601 *Definitions.* (a) When used in Revised Ration Order No. 10:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration, and when the context so indicates, the term "The Board" means the Board with which a

person is registered pursuant to Revised Ration Order No. 10.

(2) "Book" means War Ration Book Two issued in the Virgin Islands.

(3) "Certificate" means a purchase certificate issued by authority of the Office of Price Administration as evidence of a ration.

(4) "Consumer" means any person who receives a rationed commodity for the personal use of himself or members of his family.

(5) "Commercial institution" means a restaurant, hotel, public dining room, or other similar eating place, that serves meals solely as a commercial operation, but not including a boarding house.

(6) "Director" means the Director of the Office of Price Administration for the Virgin Islands.

(7) "Distributor" includes primary distributors, intermediate distributors and retailers subject to Revised Ration Order No. 10.

(8) "Establishment" means a business or operation subject to Revised Ration Order No. 10 conducted at or from a particular location.

(9) "Family" means a group of two or more individuals consisting of all persons customarily living and eating together in the same household, and any other persons regularly eating a majority of their meals in the household.

(10) "Importer" means a person who imports a rationed commodity into the Virgin Islands.

(11) "Industrial establishment" means an establishment in which a rationed commodity is received for use in the production, manufacture, or processing of any product for transfer, except as a part of the operation of a commercial or non-commercial institution.

(12) "Industrial use" means the use of a rationed commodity in the production, manufacture, or processing of any product, except as a part of the operation of a commercial or non-commercial institution.

(13) "Industrial user" means a person who obtains rationed commodities for industrial use at an industrial establishment.

(14) "Institutional use" means the use of a rationed commodity in the preparation for service or the service of meals in a commercial or non-commercial institution.

(15) "Institutional user" means a person who obtains a rationed commodity for institutional use.

(16) "Intermediate distributor" means a person who obtains a rationed commodity from a primary distributor for transfer principally to persons other than consumers.

(17) "Non-commercial institution" means an establishment serving meals as a part of or supplementary to the operation of a prison, hospital, sanitarium, asylum or other similar institution.

(18) "Person" includes an individual, partnership, corporation, association, government, government agency, or any other organized group or enterprise.

(19) "Primary distributor" means any person who manufactures or produces a rationed commodity for transfer, or the

agent of any such person, or any person who delivers a rationed commodity to the Virgin Islands for transfer, or any person who takes such delivery for transfer, or the agent of any person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(20) "Ration" means a right to acquire and use a specified quantity of a rationed commodity, or an evidence of such right, as the context requires.

(21) "Ration period" means the space of time designated in Revised Ration Order No. 10 during which a ration is valid.

(22) "Rationed commodity" means any commodity designated in Revised Ration Order No. 10, or any amendments or supplements thereto, as being subject to the provisions of Revised Ration Order No. 10.

(23) "Retailer" means a person who obtains a rationed commodity for resale or re-transfer principally to consumers.

(24) "Sale at retail" means a sale or transfer to a person for use as consumer.

(25) "Sale at wholesale" means a sale or transfer to a person other than a consumer.

(26) "Stamp" means a War Ration Stamp originally contained in a War Ration Book and designated by the Office of Price Administration as an authorization to accept transfer of a specified quantity of a particular rationed commodity.

(27) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by primary distributor, intermediate distributor, or retailer of any rationed commodity held for transfer; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of a shipment shall not be deemed to be a transfer to or by such carrier.

(28) "Weight value" means the quantity of a particular rationed commodity authorized to be transferred by a certificate or stamp.

(b) When 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 denote the feminine and neuter.

Scope of Revised Ration Order No. 10

§ 1407.621 *Territorial limitations.* (a) Revised Ration Order No. 10 shall apply to the Virgin Islands of the United States.

§ 1407.622 *Scope of restriction.* (a) Nothing in Revised Ration Order No. 10 shall be construed to limit the quantity of any rationed commodity which may be acquired by the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of

Scientific Research and Development of the United States.

§ 1407.623 *Commodities subject to Revised Ration Order No. 10.* (a) The following commodities are subject to Revised Ration Order No. 10:

(1) Rice.

Administration and Personnel

§ 1407.641 *Personnel.* (a) Revised Ration Order No. 10 shall be administered by the Office of Price Administration through its local war price and rationing boards in the Virgin Islands and such other administrative personnel as it may designate. Any administrative function of a Board may be performed in its behalf by a rationing officer appointed for such Board by the Director.

(b) The persons referred to in paragraph (a) hereof may be assisted during a registration period by the Superintendents of Education of the Virgin Islands and by teachers and other persons appointed by authority of the Director to act as registrars. The persons mentioned in this paragraph shall serve without compensation and shall be under the supervision of the persons who appointed them.

(c) No person participating in the administration of Revised Ration Order No. 10 shall act officially in connection with any matter arising hereunder as to which he has any interest, by reason of business connection or relationship by blood or marriage. If a majority of the members of a Board should be disqualified to act on any matter, it shall be referred to another Board for decision.

§ 1407.642 *Jurisdiction of Boards.* (a) For the purpose of Revised Ration Order No. 10 a Board shall have jurisdiction over:

(1) The issuance of War Ration Books and Certificates to consumers registered with it; *Provided*, That during a registration period such War Ration Books may be issued by registrars.

(2) The issuance of rations for an establishment located in the area which such Board is designated to serve; *Provided*, That such rations may be issued by a Board upon which jurisdiction over such establishment has been conferred by specific instructions of the Director.

(b) A Board with which a person is registered for a particular purpose shall continue to have jurisdiction over such person until and unless his registration file is transferred to another Board entitled to have jurisdiction in accordance with § 1407.643. Upon the transfer of a registration file in accordance with § 1407.643 such person shall thereafter be deemed to be registered with and under the jurisdiction of the Board to which such file is transferred.

§ 1407.643 *Transfer of registration files.* (a) If a consumer does not reside in the area assigned to the Board with which he is registered, he may apply to the Board having jurisdiction over the area in which he resides for the transfer to it of his registration file. Such application may be made by an agent or any person authorized to register for him. The Board with which such application is filed, after ascertaining that the con-

sumer is residing within the area assigned to it, shall notify the Board with which such consumer is registered. The latter Board shall thereupon transfer the registration file to the Board to which the application was made.

§ 1407.644 *Records confidential.* (a) All records of the Office of Price Administration and of a Board relating to any registration, application, or petition of any person under Revised Ration Order No. 10 shall be confidential and shall be subject to disclosure, inspection, removal, or other disposition only as provided herein or as the Office of Price Administration may from time to time authorize. The records shall at all reasonable times be available for inspection by duly authorized employees or representatives of the Board with which such records are filed or of the Office of Price Administration, the Department of Justice, and Treasury Department, of the United States, or by the person on whose behalf the particular record was filed or his representative.

(b) A record under the custody of a Board may be removed in connection with a transfer of a registration file pursuant to § 1407.743, or in connection with an appeal pursuant to § 1407.802; or may be removed for use in any criminal or civil action either with the prior approval of the person on whose behalf the record was filed and of the Director or with the prior approval of the Director and pursuant to a subpoena duly issued by a court of competent jurisdiction. A copy of such record, certified to be a true copy by the chairman or a clerk of the Board having custody thereof shall be substituted for the original and the original returned to the person from whose custody it was removed as soon as practicable in all such cases.

(c) A record may be posted at the office of each Board stating the name and address of all persons registered with the Board to whom rations have been issued and the type of ration issued.

Restrictions on Transfers and Use of Rationed Commodities

§ 1407.661 *Restriction on transfer for use.* (a) On and after August 26, 1942, or the effective date of any amendment, with respect to any commodity made subject to Revised Ration Order No. 10 by such amendment, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, except as otherwise provided in Revised Ration Order No. 10, no person other than a person who has registered as a distributor pursuant to Revised Ration Order No. 10 shall transfer or offer to transfer a rationed commodity to any person for any purpose whatever: *Provided*, That this section shall not apply to transfers by a farmer or producer of rationed commodities grown or produced by him if the total value of all products sold by him is less than \$75 per month, nor by any person as a part of a service of a meal.

§ 1407.662 *Transfers to consumers.* (a) Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, a distributor or

other person may transfer a rationed commodity to a consumer, and a consumer may accept such transfer, only under the following conditions:

(1) At the time of transfer the transferor shall require presentation of a valid War Ration Book or Certificate issued to the transferee or a person on whose behalf he is acting and shall detach from such War Ration Book stamps designated for the particular commodity and for the period in which the transfer is made, or shall require surrender of a valid certificate having a weight value equal to the quantity of the rationed commodity transferred.

§ 1407.663 *Transfers to institution and industrial users.* (a) On and after August 26, 1942, or the effective date of any amendment, with respect to any commodity made subject to Revised Ration Order No. 10 by such amendment, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a distributor or other person may transfer a rationed commodity to an institutional or industrial user for use, and a person may receive a transfer of a rationed commodity for such a purpose, only under the following conditions:

(1) The transferee shall surrender to the transferor, at or before the time of transfer, a valid purchase certificate having a weight value equal to the quantity of the rationed commodity transferred, issued to him for such commodity pursuant to Revised Ration Order No. 10.

§ 1407.664 *Restriction on use.* (a) Rationed commodities may be used only if a ration therefor has been obtained pursuant to Revised Ration Order No. 10 and shall be used only for the purpose for which the ration was issued.

§ 1407.665 *Transfers to dealers, Army, Navy, and certain other persons and agencies.* (a) Notwithstanding any provision of Revised Ration Order No. 10 to the contrary, any person may transfer rationed commodities to the Army, Navy, Marine Corps, or Coast Guard, of the United States, or any other agency named in § 1407.622 or to any person authorized to transfer such commodity; *Provided, however*, That the transferor shall obtain from the duly authorized representative of such service or agency a certificate or receipt of such delivery with the amount, date, and purpose for which the commodity is to be used set forth thereon.

§ 1407.666 *Transfers for supplies of vessel.* (a) Notwithstanding any provision of Revised Ration Order No. 10 to the contrary, any person authorized to transfer rationed commodities may transfer a rationed commodity to an ocean-going vessel engaged in foreign or interstate commerce upon the surrender of a certificate issued by an authorized representative of the Director for an amount of such commodity required as necessary supplies for such vessel for the time required to reach its immediate destination.

§ 1407.667 *Valid period of stamps and certificates.* (a) Each stamp authorizes transfer of the particular commodity or

commodities for which it has been designated to a consumer only during the ration period assigned to that stamp in § 1407.687.

(b) Each certificate authorizes transfer of the particular commodity designated therein only during the period of thirty days from the date thereof.

§ 1407.668 *Export.* (a) On and after August 26, 1942, notwithstanding any contract, agreement, or commitment, regardless of when made, no rationed commodity may be exported, nor transferred to a person for export, from the Virgin Islands, except that such commodity may be so exported or transferred for export on written approval of the Director or his authorized representative.

§ 1407.669 *Emergencies.* (a) In event of a public disaster or similar emergency, or where necessary to alleviate hardship or suffering, the Director may authorize the transfer of a rationed commodity to be made without the surrender of certificates or stamps, or may issue certificates in such amounts as he may deem necessary under the circumstances to provide for the public health and safety, and to secure the efficient rationing of such commodity or commodities in the Virgin Islands.

(b) Notwithstanding any other provisions of Revised Ration Order No. 10, the Director may, whenever in his opinion the supply of a commodity subject to Revised Ration Order No. 10 becomes or threatens to become so limited that coupon rationing may not be effective to insure fair and equitable distribution of such commodity, or when time is needed to institute such rationing, take the following action:

(1) He may issue an Emergency Order limiting or prohibiting all transfer of such commodity in the Virgin Islands. Such Order may provide that the commodity may be transferred only to persons presenting an Emergency Authorization signed by the Director or his duly authorized representative. Such Order shall require all dealers, distributors and agencies to file with the Director a sworn statement of the quantity of any commodity subject to the Emergency Order which the dealer, distributor, or agency has on hand at the effective time of the Order.

(2) Such Emergency Authorization shall specify the date on which it is issued, the name of the person to whom it is issued, and the quantity of the rationed commodity for which it shall be valid. It shall also state the purpose for which the commodity shall be used and that the commodity so obtained shall be used for no other purpose.

(3) All Emergency Authorizations shall be numbered serially, copies thereof shall be maintained at all times in the Office of the Director and shall be used in lieu of the coupons provided for in Revised Ration Order No. 10.

(4) During the period in which such Emergency Order shall be in effect Emergency Authorizations shall be issued only for the exclusive use of essential public services such as hospitals, public canteens or "soup kitchens" maintained by the Red Cross or other Government agencies, and the like. The quantities

for which such authorization shall be valid shall, in the exercise of the Director's sound judgment, be sufficient only for the immediate purposes or services for which it is issued, with due consideration given to the relative importance of each of such services, the available quantity of the rationed commodity, and the anticipated period of the emergency.

(5) As soon as shall be practicable after the termination of the emergency, the Director shall issue an appropriate Order which shall contain provision with respect to the resumption of the use of coupons as provided in this Order.

§ 1407.670 *Restrictions on transfers and use of rationed commodities*—(a) *Discrimination by dealers and distributors.* On and after October 13, 1942, no dealer or distributor shall discriminate in the transfer of any commodity subject to Revised Ration Order No. 10 among any consumers lawfully entitled to acquire such commodity under the provisions of the Order, either by selling only to favored consumers or classes of consumers, or by selling only to regular customers, and refusing to sell to others who are entitled to acquire a commodity under the provisions of a Revised Ration Order No. 10, or by any other means of discrimination. Nothing in this Section, however, shall be construed to prohibit a dealer or distributor from adopting restrictions which apply to all consumers alike or from holding reserve stocks for delivery to persons presenting Acknowledgment of Delivery or Allotment Authorization duly executed by an authorized officer of the armed forces of the United States.

Consumers—Registration and Rations

§ 1407.681 *Eligibility for rations.* (a) Except as is otherwise provided in Revised Ration Order No. 10, every consumer over the age of two years shall be entitled to a War Ration Book as evidence of a right to acquire rationed commodities upon proper registration and application.

(b) No person shall be eligible for a War Ration Book while he is:

(1) Confined indefinitely, or for a fixed period of time in excess of 15 days, in a public or private institution such as a jail, asylum or hospital.

(2) A member of the armed forces of the United States receiving his meals regularly in organized messes or receiving rations in kind.

(3) Receiving all his meals at commercial or non-commercial institutions.

(4) Residing outside the Virgin Islands for a period in excess of 30 days.

§ 1407.682 *Registration and application.* (a) Registration and application for rations shall be made for eligible consumers at a registration site designated for the area in which the consumer resides at the time of registration, during a period designated by the Director, or may be made at any other time at the office of the Board having jurisdiction over the area in which such consumer resides.

(b) Registration and application for rations for all members of a family, including those temporarily absent, shall

be made by an adult member, or the oldest member, of the family.

(c) An eligible consumer not a member of a family shall register and apply for rations for himself.

(d) In the event that an eligible consumer not a member of a family is unable to register or if there is no qualified person able to register for the family, registration and application for rations may be made by an agent.

(e) No consumer shall be registered more than once.

(f) Applications received by a registrar shall be filed at the office of the Board for the area in which the application was made.

§ 1407.683 *Information required.* (a) At the time of initial registration and application for rations the registrant shall furnish the following information with respect to the person or persons for whom rations are applied for:

(1) The name and age of each person for whom rations are desired.

(2) The address of the place of residence of the person for whom rations are applied for.

(3) The amount of wheat flour on hand and the number of eligible consumers in the household on the date of registration.

(4) Any additional pertinent information required by the Director.

§ 1407.684 *Certifications.* (a) At the time of the initial registration and application and any subsequent application for a ration the registrant shall certify that the facts stated are true. Such certification shall constitute a representation to the Office of Price Administration by the applicant and by any person on whose behalf such application is made.

§ 1407.685 *Issuance of ration.* (a) Upon proper registration and application each eligible consumer shall be issued a War Ration Book.

(b) War Ration Books issued during a registration period shall be completed and issued by a registrar. War Ration Books issued at a time other than during a registration period shall be completed and issued by a member, or an authorized employee, of the Board, or by authority of the Director.

(c) At the time of issuance of a War Ration Book, stamps for ration periods which have expired shall be detached. In addition, stamps shall be detached having a weight value equal to the amount of wheat flour, or the pro-rata share of the supply of wheat flour of the family, on hand on the date of registration: *Provided*, That no book shall be issued if more stamps would be required to be removed than the stamps to which a weight value for wheat flour has been assigned in § 1407.687. In such a case the book shall be issued at such time as stamps, to which a weight value for wheat flour has been so assigned, may be detached having a weight value equal to such amount.

(d) A book issued prior to the effective date of Revised Ration Order No. 10, by authority of the Director, to or for a consumer eligible under the terms of Revised Ration Order No. 10 may be used in the same manner and shall have the same

effect as a book issued pursuant to Revised Ration Order No. 10. The use of a War Ration Book issued prior to the effective date of Revised Ration Order No. 10 shall constitute a representation to the Office of Price Administration that any statements or representation made in connection with the application therefor are true, and that the consumer is a person who is eligible to a book under the provisions of Revised Ration Order No. 10.

(e) In the event that a consumer should require an amount of any rationed commodity in addition to that to which he would otherwise be entitled, for dietary reasons, the Board may issue a certificate for such additional amount on satisfactory proof of such fact.

§ 1407.686 *Surrender of War Ration Books.* (a) Within ten days after the death of a consumer the person having possession of the War Ration Book of the decedent shall surrender it to the Board for cancellation.

(b) If a consumer departs from the Virgin Islands for a period in excess of 30 days or otherwise becomes ineligible for rations, he or his representative shall surrender his War Ration Book to the Board.

§ 1407.687 *Designation of consumer ration periods and weight value of stamps valid therein.*

| Ration period | Red stamp valid during period (Book No. 2) | Weight value of stamp (pounds of rice) |
|--------------------------------|--|--|
| April 6 to April 7, 1945.... | Stamp No. A-1 | 1 |
| April 8 to April 14, 1945.... | Stamp No. A-2 | 1 |
| April 15 to April 21, 1945.... | Stamp No. A-3 | 1 |
| April 22 to April 28, 1945.... | Stamp No. A-4 | 1 |
| April 29 to May 5, 1945.... | Stamp No. B-1 | 1 |
| May 6 to May 12, 1945.... | Stamp No. B-2 | 1 |
| May 13 to May 19, 1945.... | Stamp No. B-3 | 1 |
| May 20 to May 26, 1945.... | Stamp No. B-4 | 1 |

Commercial and Non-Commercial Institution Registration and Issuance of Rations

§ 1407.701 *Registration.* (a) Each commercial and non-commercial institution for which rations are desired shall be registered on August 31, 1942 at the Office of Price Administration in which the establishment is located, or may be registered thereafter at the discretion of the Director.

(b) Registration for each such institution shall be made by the owner or manager of the institution.

(c) At the time of the initial registration the registrant shall state the name and address of the establishment registered, the name and address of the owner thereof, the number of meals served during the last full week preceding registration, the quantity of each rationed commodity on hand on August 30, 1942, the type of institution operated, the purposes for which the commodity is used, and any additional information required by the Board.

§ 1407.702 *Application for rations.* (a) At the time of the initial registration, and for each ration period thereafter, if rations are desired, application for rations shall be made on a form to be provided by the Office of Price Admin-

istration. Such application shall be presented to the Board and shall be signed by a person authorized to register the institution or by an authorized agent.

(b) Application for rations made at the time of registration shall be for the period from the date of registration to the end of the succeeding month.

(c) Subsequent applications for rations shall be made for a period of one calendar month and may be made at any time during, or within five days preceding, the ration period.

(d) At the time of making each application subsequent to the first application the applicant shall report the number of meals served during the last full week preceding such application.

(e) At the time of making the first application for a ration of a commodity made subject to Revised Ration Order No. 10 by an amendment thereto the applicant shall report the quantity of such commodity on hand on the effective date of such amendment.

§ 1407.703 *Basic ration.* (a) The basic ration for each rationed commodity, for one month, to be allowed a commercial or non-commercial institution shall be the amount arrived at by dividing the number of meals served per week, as reported pursuant to § 1407.701 (c) or § 1407.702 (d), by 25 and multiplying the result by the allowance per person for the particular rationed commodity, as specified in § 1407.704.

(b) The basic ration for a ration period longer or shorter than one month shall be the basic monthly ration, adjusted in accordance with the length of the ration period.

§ 1407.704 *Designation of amount of rationed commodity allowed per person served by institutional users.* (a) For computing the amount of a ration for institutional users pursuant to § 1407.703, the allowance for such users shall be calculated as follows:

(1) The average monthly consumption of rice during January, February and March 1945, expressed in pounds, shall be multiplied by 66 $\frac{2}{3}$ %. Present rice inventories shall be deducted from this figure and the resulting figure shall be the maximum amount of rice that may be transferred to such institution during any calendar month.

(2) Ration allowances to institutional users shall be granted by the Director, or the Assistant Director, through the issuance of Purchase Certificates.

§ 1407.705 *Excess inventory.* (a) Each registered commercial and non-commercial institution shall be entitled to retain as an inventory of a rationed commodity an amount equal to the amount of the basic ration for one month, computed as of the date of the first application for rations of such commodity. Any amount of such commodity on hand, as reported pursuant to § 1407.701 (c) or § 1407.702 (e) in excess of such allowable inventory shall be deducted from the amount of the basic ration to which it would otherwise be entitled for the first and any subsequent ration periods.

§ 1407.706 *Issuance of certificate.*

(a) At the time of each application a purchase certificate shall be issued for the basic ration for each rationed commodity for the ration period as adjusted in accordance with § 1407.705.

§ 1407.707 *New business.* (a) A person desiring to obtain rationed commodities for institutional use in connection with the operation of a new establishment may register and apply for rations for such purpose. The application shall be made to the Director of the Office of Price Administration, and shall be in a form approved by the Director. The applicant shall state the name and address of the establishment, the name and address of the owner thereof, the type of establishment operated, the purpose for which each rationed commodity is to be used, the amount on hand at the time of registration, the number of meals which it is estimated will be served per week, and any additional information required by the Board.

(b) On proper registration and application the Board shall allow a temporary ration for a period determined by the Board, which shall be adjusted thereafter in accordance with the actual number of meals served per week in such period.

§ 1407.708 *Certification.* (a) At the time of making any registration, report, or petition, the registrant or applicant shall certify that the facts stated are true. Such certification shall constitute a representation to the Office of Price Administration by the person making it and by any person in whose behalf it is made.

Industrial Use Registration and Ration

§ 1407.721 *Registration.* (a) Each person desiring to obtain rationed commodities for industrial use at an establishment owned or operated by him shall register such establishment on August 26, 1942, at the Office of Price Administration. Registration of such establishment may be made after such date in the discretion of the Director.

(b) Registration shall be made on a form to be provided by the Office of Price Administration, by the owner or manager of the establishment.

(c) At the time of the initial registration the registrant shall state the name and address of the establishment registered, the name and address of the owner thereof, the purpose for which each rationed commodity is to be used, the quantity of each rationed commodity used in the establishment during the month of May, June or July, 1942, as selected by the registrant, the quantity of each rationed commodity on hand on August 26, 1942, and any additional information required by the Board.

(d) At the time of the first application for rations for a commodity made subject to Revised Ration Order No. 10 by an amendment thereto, the applicant shall state the quantity of such commodity on hand on the effective date of such amendment, the purpose for which the commodity is to be used, and the amount of such commodity used in any one of

the last three full months preceding the effective date of the amendment.

§ 1407.722 *Application for rations.*

(a) At the time of the initial registration, and for each ration period thereafter for which rations are desired, applications for rations shall be made on a form to be provided by the Office of Price Administration. Such application shall be presented to the Board and shall be signed by a person authorized to register the establishment, or by an authorized agent.

(b) The first application for a ration shall be for the period from the date of application to the end of the succeeding month.

(c) Application for rations subsequent to the first shall be made for the period of one calendar month and may be made at any time during, or within five (5) days preceding, the ration period.

§ 1407.723 *Certification.* (a) At the time of making any registration, report, or petition, the registrant or applicant shall certify that the facts stated are true. Such certification shall constitute a representation to the Office of Price Administration by the person making it and by any person in whose behalf it is made.

§ 1407.724 *Determination of ration.*

(a) The basic ration of each rationed commodity to be allowed a registered industrial establishment for one month shall be an amount not in excess of 80% of the amount of the commodity used in the month selected pursuant to § 1407.721 (c) or (d).

(b) The basic ration of a rationed commodity for a ration period longer than one month shall be the basic ration for one month, increased in accordance with the length of the ration period.

(c) The net ration of a rationed commodity for a ration period shall be the amount of the basic ration for such period as adjusted by any required deduction of excess inventory pursuant to § 1407.725.

§ 1407.725 *Excess inventory.* (a) Each industrial user shall be entitled to retain as an allowable inventory an amount of each rationed commodity equal to the basic ration for one month, computed as of the date of the first application for a ration for such commodity.

(b) The amount of a rationed commodity on hand, as declared pursuant to § 1407.721 (c) or (d), in excess of the allowable inventory, shall be considered excess inventory and shall be deducted from the amount of rations otherwise allowable for such first or subsequent ration periods.

§ 1407.726 *Increase of rations.* (a) The Director may increase the ration of an industrial user for any rationed commodity if such rationed commodity is used in the manufacture or production of a product which is essential, or contributes to a substantial degree, to the health and well-being of the people of the Virgin Islands if, because of an increase in demand for the product by the Army, Navy, Coast Guard or Marine Corps of the United States, the amount

of the ration allowed is insufficient to supply the essential needs of the people of the Virgin Islands.

§ 1407.727 *New businesses.* (a) A person desiring to obtain a rationed commodity for industrial use at a new establishment may register and apply for rations at the Office of Price Administration in which that establishment will be located.

(b) At the time of registration the registrant shall state the name and address of the establishment, the name and address of the owner thereof, the purpose for which each rationed commodity is to be used and such other information as may be required by the Board.

(c) The Director in his discretion may grant the application and allow a ration in such amount as he deems appropriate, consistent with the amount granted other establishments of similar type and size.

Distributors

§ 1407.741 *Registration of distributors.* (a) Every distributor desiring to transfer one or more rationed commodities at retail or wholesale shall register each establishment owned or operated by him at which such transfers are to be made. Such registration shall be made in duplicate and shall be filed at the office of the Office of Price Administration in the area in which the establishment is located. Initial registration shall be made on August 26, 1942, or may be made thereafter at the discretion of the Director. Renewal registration may be required by the Director each six months thereafter.

(b) Registration shall be made on a form to be provided by the Office of Price Administration, and shall be signed by the owner or manager of the establishment.

(c) At the time of the initial and any subsequent registration, the registrant shall state the name and address of the establishment registered, the name and address of the owner thereof, the quantity of each rationed commodity on hand on the date of such registration, and such other information as may be required by the Director.

(d) Within one week after the effective date of any amendment which subjects a commodity to the provisions of Revised Ration Order No. 10, every such dealer shall report to the Office of Price Administration, for each registered establishment, the quantity of such commodity on hand on the effective date of the amendment. Such facts shall be entered on the registration card of the establishment.

§ 1407.742 *Certification.* (a) At the time of making any registration, report, or petition, the registrant or applicant shall certify that the facts stated are true. Such certification shall constitute a representation to the Office of Price Administration by the person making it and by any person in whose behalf it is made.

Reports and Records

§ 1407.761 *Records of transfers received and of use.* (a) Every primary distributor, intermediate distributor, re-

tailer and institutional or industrial user receiving rationed commodities shall keep accurate, current records of all transfers received including transfers from another establishment or department owned or operated by the same person. Such records shall contain the date of the transfer, the quantity of each rationed commodity received, and the person or establishment making the transfer.

(b) Every institutional user shall keep accurate current records of all meals served at each establishment and of the amount of each rationed commodity used.

(c) Every industrial user shall keep accurate current records of the use of each rationed commodity.

§ 1407.762 *Records of transfers made.*

(a) Every primary distributor, intermediate distributor, and retailer shall keep accurate current records of all transfers of rationed commodities made to any person, including transfers to another establishment or department owned by the transferor, for retransfer or for institutional or industrial use, and of all transfers to any of the persons named in § 1407.722 (a). Such records shall contain the date of transfer, the quantity of each rationed commodity transferred, and the name and address of the transferee.

§ 1407.763 *Reports.* (a) Every Primary Distributor, Intermediate Distributor, and Retailer of any commodity which is subject to this Revised Ration Order 10 shall on the first Monday following registration and weekly thereafter submit a report to the Director, or his designated representative for the area in which the establishment is located, on a form approved by the Director. Such report shall state, for each commodity, the quantity on hand at the beginning of the week, the quantity received, and the quantity transferred during the week preceding such report, the quantity on hand at the expiration of the week, and any additional information required by the Director. A separate report shall be made for each establishment. Such report shall include transfers to and from other establishments owned by the same person.

(b) At the time of making such report, there shall be submitted therewith all stamps, certificates, and other evidences received during the period covered by such report.

§ 1407.764 *Preservation and inspection of all records.* (a) All records required to be kept by Revised Ration Order No. 10 shall be preserved for a period of two years and shall be subject to inspection by the Board or by a duly authorized representative of the Office of Price Administration at any reasonable time.

Miscellaneous Provisions

§ 1407.781 *Transfer of establishments.* (a) Notwithstanding any provision of Revised Ration Order No. 10 to the contrary, if an entire establishment of an institutional or industrial user, including the good will, is transferred to a person, any rationed commodities on hand, as well as the current

rations allowed the establishment, may be transferred to such person for use for purposes for which the ration was allowed.

(b) An establishment of an institutional or industrial user which is continued in substantially the same manner as prior to the transfer, shall be entitled to rations to the same extent as prior to the transfer, regardless of whether there is a change in location or a merger or consolidation of two or more such establishments.

§ 1407.782 *Liquidation of establishments.* (a) In the event of the liquidation or cessation of operation, other than a change in location, of an establishment of an institutional or industrial user, rationed commodities on hand may be transferred but only to persons authorized to accept transfer of such commodity for re-transfer.

(b) The owner, or the person having charge of the disposition of the assets of an establishment being liquidated shall report the facts to the Office of Price Administration and shall surrender all stamps and purchase certificates on hand, to the Office of Price Administration at the time of the completion of such liquidation.

§ 1407.783 *Judicial seizures.* (a) No War Ration Book, certificate, nor other evidence of a ration may be seized by execution, levy, attachment or other judicial process, nor acquired through devise, bequest, or inheritance, other than as provided in § 1407.781.

(b) No provision of Revised Ration Order No. 10 shall be construed to prevent the seizure of a rationed commodity pursuant to judicial process or order issued by a court of competent jurisdiction or pursuant to any right given by law or contract in connection with the foreclosure of a lien, mortgage, or other security interest or a repossession of property sold under a conditional sales agreement. Rationed commodities so acquired may not be used but may be transferred to any person upon the receipt of valid stamps or certificates having a weight value equal to the amount of such commodity transferred, or may be transferred to a dealer without obtaining stamps or certificates therefor. Stamps or certificates so received shall be surrendered to the Board with which the consumer or establishment is registered.

(c) Upon proper application, the Director of the Office of Price Administration in his discretion, may issue a new purchase certificate to permit a person from whom a rationed commodity is seized in a manner indicated in paragraph (b) of this section to acquire rationed commodities in an amount equal to the quantity so seized.

§ 1407.784 *Lost, destroyed, mutilated, or stolen War Ration Books and certificates.* (a) If a War Ration Book or certificate is lost, stolen, destroyed, or mutilated, the person entitled thereto or his authorized agent may apply to the Office of Price Administration in writing for a replacement thereof. The Director, in a proper case, shall grant the application if he is satisfied that such War Ration Book or certificate was

lost, stolen, destroyed, or mutilated. Before issuing a replacement War Ration Book, the Director shall remove all stamps designated for periods which have expired, and all stamps corresponding to those which were removed from the War Ration Book to be replaced.

(b) If a book which has been replaced is found, it shall be immediately surrendered to the Office of Price Administration.

§ 1407.785 *Lost, destroyed, stolen or damaged commodities.* (a) The owner or manager of an establishment registered with a Board pursuant to Revised Ration Order No. 10 whose supply of any rationed commodity, or any substantial part thereof, is lost, destroyed, stolen, spoiled, or damaged may apply to the Office of Price Administration for permission to accept transfer of an amount of such commodity equal to the amount so lost, destroyed, stolen or damaged. The Director, in a proper case, shall grant the application and shall issue a certificate for the amount of the rationed commodity so lost, destroyed, or stolen, or for the amount thereof damaged which cannot be used for the purposes for which the ration was allowed.

(b) A rationed commodity which is damaged may be transferred only pursuant to the provision of Ration Order No. 10 applicable to transfer of rationed commodities or pursuant to paragraph (c) or (d) of this section.

(c) A rationed commodity which is damaged so as to be unfit for reclamation or for human consumption may be transferred to any person, with the prior approval of the Office of Price Administration, without receiving stamps or certificates therefor and regardless of the fact that the transferor has not registered as a Distributor.

(d) A rationed commodity which is damaged but is fit for human consumption or for reclamation may be transferred to any insurer, salvager, or to an institutional or industrial user without obtaining stamps or certificates therefor: *Provided*, That, if the transferor is registered with the Office of Price Administration, the prior approval of the Director shall be obtained: *And provided further*, That if the transferee is an institution or industrial user, the reclaimable portion thereof, as determined by the Director, shall be deducted from subsequent rations of the establishment receiving the transfer.

(e) Transfers of damaged or reclaimed rationed commodities may be made by an insurer or salvager to a primary distributor, intermediate distributor, or retailer, without obtaining stamps or certificates therefor, or to any institutional or industrial user on approval of the Office of Price Administration. The amount so received shall be deducted from subsequent rations, if any, to which the transferee otherwise would be entitled.

§ 1407.786 *Exchanges.* (a) Any person may exchange a rationed commodity of one type for an equal quantity of the same commodity of a different type, providing the exchange is made substantially simultaneously.

§ 1407.787 *Enforcement agencies.* (a) Any investigatory or enforcement agency of the Federal or Insular Government which requires war ration books for the performance of its functions shall be entitled to receive war ration books issued in blank on application to the Director. Such books may be filled out by an authorized officer of such agency and may be used for the purpose of securing transfer of rationed commodities. Any rationed commodity received therewith may be transferred to any public institution or to a Distributor.

§ 1407.788 *Correction of errors.* (a) Any error, omission, or mistake made by a person on any registration or application form or any document filed with the Office of Price Administration, may be corrected by such person to conform with the facts on approval of the Board or the Director.

(b) Any error, omission, or mistake made by a Board or the Director on any document may be corrected to conform to the facts at any time.

§ 1407.789 *Unlawful use or possession.* (a) No person shall at any time use or have in his possession or under his control any war ration book or purchase certificate unless such war ration book or purchase certificate was obtained pursuant to Revised Ration Order No. 10.

(b) Evidence of the possession of any war ration book or purchase certificate not issued to or duly endorsed to the holder, or of the possession by a person as a consumer of an amount of any rationed commodity in excess of the amount declared to be on hand at the time of registration, shall be *prima facie* evidence of a violation of Revised Ration Order No. 10.

Appeals

§ 1407.801 *Appeal to Board.* (a) Any person aggrieved by a decision or action of a registrar may appeal to the Board by petition in such form as may be approved by the Board or the Director. Such appeal shall be taken within five days from the date of the decision or action appealed from. The Board shall consider the matter *de novo* and make such decision thereon as is consistent with the provisions of Revised Ration Order No. 10.

§ 1407.802 *Appeal to director.* (a) Any person aggrieved by a decision or action of a Board may appeal therefrom to the Director by filing a notice of appeal with the Board, specifying the decision or action appealed from and the grounds for appeal. Such notice of appeal shall be filed within ten days from the date of the decision or action appealed from.

(b) Within one day after an appeal is filed with it, the Board shall forward it to the Director, together with the registration file of the appellant and any additional documents and information which the Board deems to be material: *Provided*, That if the Board deems it proper, on the basis of a reconsideration of such matter, it may reverse or modify its previous action or decision in lieu of submitting the appeal to the Director.

§ 1407.803 *Extension of time for appeal.* (a) The Board or the Director may extend the time for taking an appeal.

§ 1407.804 *Action on appeal.* (a) The Director shall promptly consider any appeal submitted to him and shall decide such appeal within five days from the time it is submitted to him, or is resubmitted to him by the Board after securing additional information in accordance with paragraph (b) of this section.

(b) In the event the information submitted with an appeal is deemed by the Director to be insufficient to decide such appeal, the Director may require the appellant to furnish additional information in writing or to appear personally, or he may resubmit the entire matter to the Board for the purpose of securing the additional information required.

(c) In the event an appeal is resubmitted to a Board in accordance with paragraph (b) of this section the Board shall promptly secure the information required and for such purpose may require the appellant to submit such information in writing or to appear before it personally. Any additional information so secured shall be in writing signed by the person submitting such information or in the form of a summary of testimony certified to be a true summary by a member of the Board. The appellant shall be permitted to inspect all documents submitted to the Board or the Director and to submit additional evidence.

(d) Upon securing additional information pursuant to paragraph (c) of this section, the Board shall reconsider the matter, and, if it deems the action or decision appealed from to be inconsistent with Revised Ration Order No. 10, may reverse or modify such action or decision; otherwise, it shall return the entire matter promptly to the Director.

(e) The Director shall make a finding of facts on the basis of the evidence and information submitted to him and shall make such decision upon the appeal as is consistent with Revised Ration Order No. 10 and shall return the entire matter to the Board for action, consistent therewith. A copy of the decision shall be sent to the appellant and to the Board.

§ 1407.805 *Finality of findings.* (a) All findings made by a Board or by the Director shall be final, except as may otherwise be provided in Revised Ration Order No. 10.

Enforcement

§ 1407.821 *Penalties.* (a) Any person who violates any provisions of Revised Ration Order No. 10 or who, by any act or omission, knowingly falsifies a record which he is required to keep or any report which he is required to file with a Board or the Director by the terms of Revised Ration Order No. 10, or who otherwise furnishes false information to a Board or the Director or to the Office of Price Administration or conspires with another person to perform any of the foregoing acts, shall be subject to the penalties, prosecution, or other action provided for in section 35 (a) of the

Criminal Code (title 18, U. S. C., Sec. 80), section 301 of the Second War Powers Act, 1942 (Pub., No. 507, 77th Cong., approved March 27, 1942) and other applicable statutes or appropriate action taken thereunder.

(b) In addition to the foregoing penalties, the Office of Price Administration may prohibit the sale, transfer, exchange, or other disposition of products, directly or indirectly to any retailer, wholesaler or other supplier of any retailer, or to consumers by any retailer, who acts in violation of Revised Ration Order No. 10.

This Revised Ration Order 10 shall become effective May 29, 1945.

Issued this 24th day of May 1945.

JACOB A. ROELES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 45-8791; Filed, May 24, 1945;
11:38 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL
COMMODITIES

[MPR 426; Corr. to Amdt. 101]

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

In Appendix J, paragraph (d), Table 1, Column 6, the phrase "actual cost of transportation" is substituted for the word "freight" to correct a change in phraseology inadvertently introduced by Amendment 101.

This correction shall be effective as of May 9, 1945.

Issued this 24th day of May 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-8787; Filed, May 24, 1945;
11:37 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

Section 2.55 is amended by adding paragraph (m), to read as follows:

§ 2.55 Fees. * * *

(m) No fee shall be charged for automobiles, trucks, motorcycles, or house

18 F.R. 16409, 16294, 16519, 16423, 17372;
9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493,
4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926,
5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434,
7425, 7580, 7583, 7759, 7774, 7834, 8148, 9066,
9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896,
9897, 10192, 10192, 10409, 10877, 10777, 10878,
11850, 11534, 11546, 12038, 12208, 12340, 12341,
12263, 12412, 12537, 12648, 12968, 12973, 13067,
13138, 13205, 13761, 13934, 14062, 13995, 14437,
14731, 15107, 15107; 10 F.R. 49, 256, 460, 923,
1540, 1403, 1456, 1910, 2024, 2026, 2145, 2160,
2188, 2245, 2515, 2521, 2965, 3054, 4156, 4266,
4665, 4718, 4817, 5045.

No. 104—8

trailers using the section of U. S. Highway No. 191 in Yellowstone National Park, or for passenger vehicles owned by legally registered voters of Cooke, Montana, operating directly between the north and northeast entrances of the park. (39 Stat. 535; 16 U. S. C. 3)

Section 20.13 is amended in the following respects:

1. Paragraph (g) is redesignated paragraph (k).

2. Subparagraphs (1) and (2) of paragraph (e) are changed, and paragraphs (g) and (h) are added, to read as follows:

§ 20.13 Yellowstone National Park.

(e) *Weight and size limits for vehicles.*
(1) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated or moved upon the road between the north and northeast entrances of the park.

(2) No two axle vehicle which has a gross weight, including vehicle and load, in excess of 12 tons, and no vehicle having three or more axles which has a gross weight, including vehicle and load, in excess of 15 tons, shall be operated or moved upon any park road.

(g) *Trucking.* The park superintendent may issue permits for the use of park roads for trucking, for which fees shall be charged as follows:

Emergency trucking between any two park entrances—Round trip permit fee, \$10.

Trucking between the north and northeast entrances:

Trucks with a capacity of ¾ ton, but with a capacity of not more than 1½ tons—Yearly permit fee, \$20.

Trucks with a capacity of more than 1½ tons—Yearly permit fee, \$40.

(h) *Boats.* (1) No privately owned boat over 30 feet in length, and no sailboat of any character, shall be placed or operated upon the waters of the park.

(2) All privately owned boats shall be removed from the park during the period from November 1 to April 30, inclusive.

(3) The operation of boats in such a manner as to endanger life or property is prohibited.

(4) All boat engines shall be equipped with an underwater exhaust or other muffling device sufficient to prevent excessive noise.

(5) All boats operating between sunset and sunrise shall exhibit a bright white light visible all around the horizon.

(6) No bottles, cans, rubbish, or refuse of any kind, including wastes from chemical toilets, shall be thrown from boats into park waters, or from docks along the shore, or otherwise placed in the waters of the park. Water closets, lavatories, drains, sinks, and other devices which discharge directly into the water shall be sealed in such a manner as to prevent their use. (39 Stat. 535; 16 U.S.C. 3)

Sections 20.45, 20.46, and 20.47 are added, to read as follows:

§ 20.45 *Ile Royale National Park; sport fishing*—(1) *Open seasons.* The fishing seasons shall be as follows:

Brook trout, rainbow trout, brown trout and steelheads, May 20 to Labor Day, inclusive.

Lake Trout (Mackinaw trout), November 5 to October 9, inclusive.

Muskellunge, northern pike, walleyed pike and yellow perch, May 20 to September 15, inclusive.

(2) *Catch limits.* The maximum catch per person per day shall be as follows:

Brook trout, rainbow trout, brown trout and steelheads, a combined total of 10 fish, or 10 pounds of fish and 1 fish.

Lake trout (Mackinaw trout), 25 pounds of fish and 1 fish.

Northern pike, walleyed pike and muskellunge, 5 fish of either species.

Yellow perch, 25 fish.

(3) *Minimum size limits.* Fish of the following sizes shall not be retained but shall be carefully handled with moist hands and returned at once to the water:

Brook trout, rainbow trout, brown trout and steelheads under 7 inches in length.

Northern pike and walleyed pike under 14 inches in length.

Yellow perch under 6 inches in length.

Muskellunge under 30 inches in length.

(39 Stat. 535; 56 Stat. 138; 16 U.S.C. 3, 408g)

§ 20.46 *Mesa Verde National Park*—

(a) *Hospital charges.* Charges for services at the Aileen Nusbaum Hospital are as follows:

(1) *Hospitalization:*

Ward bed and general nursing, including ordinary drugs or small dressings, per day..... \$3.00

Obstetrical cases:

Supplies, anesthetics, etc., for delivery..... 10.00

Sterile supplies for 10-day care..... 5.00

Hospitalization for mother, per day..... 3.00

Hospitalization for infant, per day..... 1.00

(2) *Laboratory:*

Urinalysis, chemical only..... 1.00

Urinalysis, microscopic only..... 1.00

White blood count..... 1.00

Red blood count..... 1.00

Hemoglobin..... 1.00

Differential..... 2.00

Complete count with differential... 4.00

(3) The charges in (1) and (2) of this paragraph are subject to the following discounts:

Employees of the National Park Service and dependent members of their families, 66⅔ percent discount. No charge will be made for the first 24 hours of hospitalization.

Residents of the park not employed by the National Park Service, 33⅓ percent discount. No charge will be made for the first 24 hours of hospitalization.

Minor dispensary service will be given to all residents of the park without charge.

(b) Hospital charges do not include meals or the services of a physician, which must be arranged for by patients at their own expense.

(c) Patients requiring greater care or service than normally furnished at the hospital must employ a special nurse or attendant.

(d) Patients requiring hospitalization in excess of 72 hours must arrange for their transfer to another hospital. The park superintendent may waive this re-

quirement in his discretion, or when the physical condition of the patient renders it necessary.

(e) Residence calls will be made by the nurse only when the condition of hospitalized patients permit her absence from the hospital. (46 Stat. 315; 16 U.S.C. 118)

§ 20.47 *Hopewell Village National Historic Site*—(a) *Fishing*. (1) Fishing between sunset and sunrise is prohibited. (2) Fishing from boats is prohibited. (49 Stat. 666; 16 U.S.C. 462)

Issued this 17th day of May 1945.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 45-8737; Filed, May 23, 1945;
4:37 p. m.]

TITLE 43—PUBLIC LANDS; INTERIOR

Chapter I—General Land Office

[Circular 1604]

PART 145—GENERAL REGULATIONS GOVERNING EXCHANGES

APPLICATION TO SELECT WITHDRAWN LANDS IN AN EXCHANGE

The following section is added to Part 145:

§ 145.6 *Disposition of application*. An exchange application which involves the selection of withdrawn lands, and is accompanied by a petition for the restoration of the selected lands from the withdrawal which shows that the application is made pursuant to a land-use program of the Federal Government, will not be rejected by the register but will be forwarded by him to the General Land Office with his regular returns for such action as may be deemed appropriate. (R.S. 453, 2478; 43 U.S.C. 2, 1201.)

FRED W. JOHNSON,
Commissioner.

Approved: May 18, 1945.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 45-8736; Filed, May 23, 1945;
4:36 p. m.]

[Circular 1605]

PART 152—EXCHANGES FOR THE BENEFIT OF PARTICULAR STATES

EXCHANGES WITH MINNESOTA TO OBTAIN LANDS IN NATIONAL PARKS, NATIONAL FORESTS, AND OTHER FEDERAL RESERVATIONS AND LAND UTILIZATION PROJECTS

§ 152.20 *Statutory authority*. The act of December 7, 1942 (56 Stat. 1042), provides that when the public interest will be served thereby Minnesota lands owned by the State and contiguous to or situate within the exterior boundaries of Federal reservations or certain land-use projects under the jurisdiction of the Secretary of the Interior or of the Secretary of Agriculture may upon selection by the State be exchanged for Minnesota lands of equal value owned by the United

States and administered by one of the Secretaries mentioned.¹

§ 152.21 *Who shall determine whether an exchange will be in the public interest*. An exchange of lands under this act may be made only after a determination that the proposed exchange will be in the public interest and that the offered and the selected lands are of approximately equal value. These questions will be determined by the Secretary of the Interior if he has jurisdiction of the selected lands and is to have jurisdiction of the offered lands. They will be determined by the Secretary of Agriculture if that Secretary has jurisdiction of the selected lands and is to have jurisdiction of the offered lands and if in addition he is to convey the selected lands. In all other cases, the determination will be made by the two Secretaries jointly.

§ 152.22 *Status of lands acquired from the State*. The lands acquired from the State will become part of the Federal reservation or of the land utilization project to which they may be contiguous or within the exterior boundaries of which they may be situate. They will be administered by the Secretary having jurisdiction of such reservation or project and will be subject to the laws, rules and regulations applicable thereto; except that lands becoming part of a national forest through an exchange of public lands of the United States shall be subject to the provisions of the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. sec. 472), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying or patenting of lands reserved from the public domain.

§ 152.23 *State lands acceptable to United States and United States lands subject to State selection*. State and United States lands subject to exchange are as follows:

(a) The State may offer any lands owned by the State which are contiguous to or situate within the exterior boundaries of any Federal reservation under the jurisdiction of the Secretary of the Interior, whether national park or other type of reservation.

In exchange for such lands the State may select any public or other United States lands in Minnesota of equal value whether under the jurisdiction of the Secretary of the Interior or under that of the Secretary of Agriculture.

In such exchanges the State's title to the offered lands will be accepted by the Secretary of the Interior. The United States title to the selected lands will be conveyed by the Secretary having jurisdiction of the lands conveyed; except that conveyances of public domain in national forests shall be made by the Secretary of the Interior as provided for by the act of February 1, 1905 (33 Stat. 628, 16 U.S.C. sec. 472).

¹ It is understood that the term "Federal reservations" does not include Indian reservations and that the term "lands owned by the United States" does not include lands held by the United States for the benefit of Indians.

(b) The State may also offer any lands owned by the State and contiguous to or situate within the exterior boundaries of any Federal reservation which is under the jurisdiction of the Secretary of Agriculture, whether national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522; 7 U.S.C. secs. 1000-1029), or other type of reservation.

In exchange for such lands the State may select lands as follows:

(1) Any United States lands in Minnesota of equal value which are under the jurisdiction of the Secretary of Agriculture and which he has statutory authority to convey otherwise on behalf of the United States.²

(2) Any United States public lands in Minnesota of equal value which are under the jurisdiction of the Secretary of the Interior, which he has statutory authority to convey otherwise on behalf of the United States, and which are either:

(i) Surveyed, unappropriated and unreserved except as provided by Executive Order No. 6964, dated February 5, 1935; or

(ii) Situate in national forests.

In exchanges under (b) (1) the State's title to the offered lands will be accepted by the Secretary of Agriculture and United States title to the selected lands will be conveyed by him.

In exchanges under (b) (2) the State's title will be accepted by the Secretary of the Interior and United States title to the selected lands will be conveyed by him.

§ 152.24 *Preliminary negotiations and informal application*. All preliminary negotiations relating to a proposed exchange under the act of December 7, 1942 (56 Stat. 1042) are to be conducted with the local representatives of the Department having jurisdiction over the Federal reservation or land-use project to which the offered lands may be contiguous or within the exterior boundaries of which they may be situate. The State should file with such representatives of the Government an informal application describing the lands to be conveyed by the State and the lands desired in lieu thereof. The lands selected in any one application should not exceed 6,400 acres and should be specifically described according to Government subdivision. Nothing less than a legal subdivision may be offered or selected except where the State or the Government does not own the entire legal subdivision in question or where only a portion of a legal subdivision offered is valuable for Federal purposes, or where the United States desires to retain ownership of some portion of a selected subdivision because such portion is chief valuable for Federal purposes.

§ 152.25 *Reservations and conditions; examination and appraisal*. Conveyances of offered and selected lands in exchanges under this act may be made

² Exchanges under (b) (1) are under the jurisdiction of the Secretary of Agriculture and are not covered by these regulations.

subject to such reservations and conditions as the State of Minnesota and the United States respectively may severally prescribe. Such reservations and conditions must receive due consideration in the determination of the value of the lands for exchange purposes.

The informal application for exchange should show in detail every reservation, easement or condition previously made or to be made by the State regarding the offered lands and should also show the reservations, easements or conditions regarding the selected lands which are to be made by the United States and which are acceptable to the State.

To meet the requirements of the law that the lands exchanged be of equal value, both the offered and the selected lands will be examined and appraised in the field by the proper representatives of the Government. If such examination discloses inequalities of value the State will be so advised and opportunity will be afforded for adjustments which will bring the exchange within the provisions of the law. Where joint examinations and appraisals by representatives of both Departments and the State are necessary, arrangements therefor may be made by the representatives of the Departments.

When the representatives of the State and of the United States shall have reached a tentative agreement regarding values, the Regional Field Examiner will transmit a copy of the report of examination and appraisal to the General Land Office in cases in which the Department of the Interior has jurisdiction over the selected lands or is to have jurisdiction over the offered lands. But in cases in which such jurisdiction is or is to be in the Department of Agriculture the examiner will send the report to the appropriate representative of that Department.

§ 152.26 Procedure after determination that the exchange will be in the public interest. When, in cases in which the selected lands are under the jurisdiction of the Secretary of the Interior or in which the offered lands are to be accepted by him, it has been determined to the satisfaction of the Secretary of the Interior, and to that of the Secretary of Agriculture as well when the interests of both Departments are affected, that the exchanges sought will be in the public interest and that the value of the selected lands does not exceed that of the offered lands, the General Land Office will notify the State officials that they may file in the General Land Office a formal application for such exchange.

§ 152.27 Formal application together with deed, abstract, certificates and affidavits. The formal application should be filed in triplicate in the General Land Office by the proper State official. It should state under what act or acts it is made. It should describe the offered and the selected lands and should detail the desired reservations and conditions as prescribed in §§ 152.24 and 152.25 respectively. It should be accompanied by supporting documents as follows:

(a) A certificate by the selecting agent that the selection is made under

and in pursuance of the laws of the state; that the selected lands are unappropriated and not occupied, claimed, improved or cultivated by any person adversely to the State; and that their value does not exceed that of the offered lands.

(b) A certificate by the selecting agent that the State has not tendered the offered lands as a basis for any other selection or exchange; that the State is the owner of the offered lands and that there is no outstanding instrument or entry of record impairing its title; said certificate also to state under what law the State acquired title from the United States; whether the State ever alienated the lands; and if so in what manner and under what legal authority the State re-acquired ownership thereof.

(c) A corroborated affidavit relative to springs or water holes on the selected lands, in accordance with the regulations in §§ 292.1 to 292.9.

(d) A duly executed but unrecorded deed to the offered lands.

(e) A duly authenticated abstract of title to said offered lands in cases in which said lands were ever held in private ownership and were acquired by the State from such sources.

§ 152.28 Deed of conveyance of base lands. The deed of conveyance must be prepared in accordance with the laws of the State of Minnesota governing the conveyance of real property and must convey to the United States all right, title and interest in and to the offered lands. It should recite that it is made "for and in consideration of the exchange of certain lands as authorized by the Act of December 7, 1942 (52 Stat. 1042)." It must be accompanied by a certificate of the proper State officer showing that the officer executing the conveyance was authorized by the law of the State to do so, that at the time the conveyance was executed the title was in the State and that the offered lands have not been sold or otherwise encumbered by the State.

§ 152.29 Abstract of title. The abstract of title must show all matters which are of record in the county where the offered lands lie and which in any manner affect the title thereto.

§ 152.30 Authentication required; certificates; taxes. The certificate of authentication of the abstract must be signed by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county under his official seal or by an abstractor or an abstract company approved by the General Land Office in accordance with § 211.1. The certificate must show that the title memoranda are a full, true, and complete abstract of all matters of record or on file in the appropriate office or offices of the county or counties in which the offered lands are situate, including but not limited to all conveyances, mortgages, liens or other encumbrances, judgments against the various grantors, mechanics liens, lis pendens, or other instruments affecting in any manner the title to the offered lands and required by law to be filed with the recording officers.

The custodian of the tax records must certify that all taxes and drainage charges that have been levied or assessed against the lands or that could operate as a lien thereon have been fully paid and that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. He must also certify as to any tax lien which exists thereon even though at the date of the execution of the deed such tax may not yet have been assessed or have become due or payable.

§ 152.31 Title insurance. Title insurance issued by a company which is acceptable to the Department of the Interior may be offered in lieu of an abstract of title, provided the policy is free from conditions and stipulations not agreeable to the Department.

§ 152.32 Execution and filing of petitions for classification. When the State desires public domain lands affected by Executive Order No. 6964 issued February 5, 1935, but otherwise unreserved, it must comply with the rules governing the execution and filing of petitions for classification of lands and opening them to selection as prescribed in §§ 296.1, et seq.

§ 152.33 Publication and proof. Within 30 days from the filing of the formal application for exchange the State will begin publication of notice thereof at the State's expense in some newspaper or newspapers designated by the General Land Office and having a general circulation in the county or counties in which the offered lands and the lands selected are situate. The notice must be published once each week for four successive weeks. It should describe the offered and the selected lands in terms of legal subdivisions and state that the purpose of the notice is to afford to all persons claiming the selected lands or having bona fide objections to the proposed exchange an opportunity to file their protests in the General Land Office, accompanied with a showing that they have served a copy of such protest upon the State. Proof of publication will consist of an affidavit made by the publisher or foreman or other proper employee of the newspaper and showing the dates of publication and a copy of the published notice.

§ 152.34 Action by General Land Office. The General Land Office will examine the proof of publication and will consider and act upon any protest filed against the exchange. If no protest be filed within 30 days from the date of the first publication of the notice and if it be found that all requirements have been met and that the State is entitled to the exchange sought, the General Land Office will return to the State the State's deed of conveyance to be recorded and the abstract of title to be extended to the date of the recordation of the deed, both documents to be retransmitted to the General Land Office within 30 days from the State's receipt thereof.

If upon such return of the deed and the abstract all be found regular and in conformity with the law and if there be no objections, title to the offered lands will be accepted and United States patent will issue for the selected lands if

they are under the jurisdiction of the Secretary of the Interior or under his authority to convey.

Notice of additional requirements, of rejection or of other adverse action will be given and the right of appeal, review or rehearing will be recognized in the manner prescribed by the rules of practice, Part 221.

§ 152.35 *Deed and abstract to be returned if selection is rejected or canceled.* Should the application for exchange be finally rejected or the selection for any reason be canceled, the unrecorded deed and the abstract of title will be returned to the State.

FRED W. JOHNSON,
Commissioner.

Approved: May 18, 1945.

OSCAR L. CHAPMAN,
Assistant Secretary.

I concur: November 18, 1944.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 45-8752; Filed, May 24, 1945;
9:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 7]

PART 95—CAR SERVICE FREIGHT CHARGES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of May, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 68 (codified as § 95.15 of Title 49) as amended (8 F.R. 8513, 14224, 16265; 9 F.R. 7206, 14306), and good cause appearing therefor; It is ordered, that:

Service Order No. 68, as amended, is hereby further amended by adding the following provisions:

Application. The provisions of this order and all amendments shall apply to intrastate transportation.

Expiration date. This order and all amendments thereto shall expire at 12:01 a. m., January 31, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that:

Tariff provisions suspended. The operation of all tariff rules, regulations or charges insofar as they conflict with the provisions of this amendment is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, announcing the suspension and adding the provisions required by this amendment. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

Effective date. This amendment shall become effective at 12:01 a. m., May 31, 1945.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory commission 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. 45-8774; Filed, May 24, 1945;
11:24 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

CENTRAL VALLEY PROJECT, CALIF.

FIRST FORM RECLAMATION WITHDRAWAL

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of reclamation withdrawal as provided in section 3 of the act of June 17, 1902 (32 Stat. 388).

CENTRAL VALLEY PROJECT

MOUNT DIAULO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
sec. 16, Lot 1.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: May 11, 1945.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

MICHAEL W. STRAUS,
Assistant Secretary.

MAY 12, 1945.

[F. R. Doc. 45-8732; Filed, May 23, 1945;
4:36 p. m.]

MILK RIVER PROJECT, MONT.

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 17, 1945.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided in sec-

tion 3 of the act of June 17, 1902 (32 Stat. 388).

MILK RIVER PROJECT

PRINCIPAL MERIDIAN, MONTANA

T. 33 N., R. 13 E.,
Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: May 11, 1945.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

MICHAEL W. STRAUS,
Assistant Secretary.

MAY 12, 1945.

[F. R. Doc. 45-8733; Filed, May 23, 1945;
4:36 p. m.]

MILK RIVER PROJECT, MONT.

ORDER OF REVOCATION

APRIL 17, 1945.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Milk River Project, the withdrawal of the hereinafter described lands, withdrawn in the second form prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388) by Departmental Order of February 9, 1903, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked: *Provided*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

MILK RIVER PROJECT

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 25 E.,
Sec. 10, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: May 10, 1945.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accordingly.

MICHAEL W. STRAUS,
Assistant Secretary.

MAY 12, 1945.

[F. R. Doc. 45-8734; Filed, May 23, 1945;
4:36 p. m.]

General Land Office.

WASHINGTON

STOCK DRIVEWAY WITHDRAWAL NO. 252,
WASHINGTON NO. 3 ENLARGED

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 (U.S.C., Title 43, sec. 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 (U.S.C., title 43, sec. 300), it is ordered as follows:

The following-described public land in Washington is hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, is 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. 252, Washington No. 3:

WILLAMETTE MERIDIAN

T. 23 N., R. 25 E.,
Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described contains 80 acres.

Any mineral deposits in the land 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 such regulations as have been or may be issued thereunder.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior,
MAY 16, 1945.

[F. R. Doc. 45-8735; Filed, May 23, 1945;
4:36 p. m.]

Office of the Secretary.

KINGS CANYON NATIONAL PARK, CALIF.

POLICE JURISDICTION ASSUMED BY U. S.

APRIL 21, 1945.

GOVERNOR WARREN: Notice is hereby given, in accordance with the provisions of the act of October 9, 1940 (54 Stat. 1083; 40 U. S. C. sec. 255) that, effective as of the 1st day of June, 1945, at 12 m., Pacific War Time, the United States accepts exclusive jurisdiction over all lands now included in Kings Canyon National Park. These lands are particularly described in the act of March 4, 1940 (54 Stat. 41), establishing the park, and in proclamation No. 2411, issued by the President of the United States on June 21, 1940 (54 Stat. 2710; 3 CFR, Cum. Supp., 163), adding certain lands to the park under authority contained in section 2 of the said act.

Exclusive jurisdiction was ceded to the United States by the act of the legislature of California, approved April 7, 1943 (Sec. 119 of the Government Code of California) and in accordance with the requirements of this act you are notified that the United States assumes police jurisdiction over the said park as of the date and time above-stated.

It is requested that you endorse the attached duplicate original of this notice

of acceptance, indicating the date and time of its receipt, and return it to this Department.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

The HON. EARL WARREN,
Governor of California,
Sacramento, California.

Received this 25th day of April 1945 at
11 a. m.

EARL WARREN,
Governor of California.

[F. R. Doc. 45-8731; Filed, May 23, 1945;
2:33 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6703]

WREN BROADCASTING CO.

ORDER GRANTING PETITION TO INTERVENE
AMENDING AND ENLARGING ISSUES

The Commission having under consideration the petition of Midwest Broadcasting Company, Milwaukee, Wisconsin, for leave to intervene in the hearing not yet scheduled on the above-entitled application, and for enlargement of the issues to be heard in said proceeding;

It is ordered, This 16th day of May 1945 that the petition be, and it is hereby, granted, and that issues numbered 5 and 10 to be determined in the hearing on the above-entitled application be, and they are hereby, amended and enlarged as follows:

5. To determine the extent of any interference which would result from the proposed operation of Station WREN and from the operation of Station WSAU, Wausau, Wisconsin, as proposed in the application (B4-P-3656) of Northern Broadcasting Company, Inc. and from the operation as proposed in the pending application (B4-P-3746) of Midwest Broadcasting Co., as well as the areas and populations affected thereby, and what other broadcast service is available to such areas and populations.

10. To determine whether public interest, convenience, or necessity would be served by a grant of this application or the application (B4-P-3656) of Northern Broadcasting Company, Inc. (WSAU) or the application (B4-P-3746) of Midwest Broadcasting Co., or any of them.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-8760; Filed, May 24, 1945;
11:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 1004]

RECONSIGNMENT OF LETTUCE AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 16, 1945, by M. Lapidus & Son of car ART 19286, lettuce, now on the CB&Q Railroad to Tassin & Salisch, New York, N. Y. (B&O).

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 16th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8775; Filed, May 24, 1945;
11:24 a. m.]

[S.O. 70-A, Special Permit 1005]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.

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 Kansas City, Missouri, May 16, 1945, by Brown & Loe of car ART 19889, tomatoes, now on the Missouri Pacific Railroad to Fruit Supply Company, St. Louis, Missouri. (Mo. Pac.)

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 16th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8776; Filed, May 24, 1945;
11:24 a. m.]

[S. O. 70-A, Special Permit 1006]

RECONSIGNMENT OF ORANGES AT HARTFORD, CONN.

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 Hartford, Connecticut, May 16, 1945, by Pioneer Fruit Company, of car MDT 4840, oranges, now on the N. Y. N. H. & H. Railroad, to L. Levinson, Boston, Massachusetts. (NYNH&H).

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 16th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8777; Filed, May 24, 1945;
11:24 a. m.]

[S. O. 70-A, Special Permit 1007]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.

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 Kansas City, Missouri, May 17, 1945, by Rio Grande Products Company, of cars SFRD 33139 and ART 20535, tomatoes, now on the Missouri Pacific Railroad, to C. H. Robinson Company, St. Louis, Missouri (Mo. Pac.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8778; Filed, May 24, 1945;
11:24 a. m.]

[S. O. 70-A, Special Permit 1008]

RECONSIGNMENT OF TOMATOES AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14626) 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 Buffalo, N. Y., May 16, 1945, by J. C. Darwin (ART) of car WPEX-62292, tomatoes, now on the N. Y. C. & St. L. to New York, N. Y. (NYC), account railroad error.

The waybill shall show reference to this 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 18th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8779; Filed, May 24, 1945;
11:24 a. m.]

[S. O. 70-A, Special Permit 1009]

RECONSIGNMENT OF TOMATOES AT ST. LOUIS, MO.

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 St. Louis, Mo., May 17 or 18, 1945, by Gargiulo and Amendola, Inc. of cars PFE 60914, MDT 6085, ART 71701, URT 6208, tomatoes, now on the Missouri Pacific R. R., to Philadelphia, Pa. or New York, N. Y., account railroad error.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8780; Filed, May 24, 1945;
11:24 a. m.]

[S.O. 70-A, Special Permit 1010]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Ill., May 19, 1945, by Atlantic Commission Co., of car PFE 42564, carrots, now on the C. B. & Q. R. R. (B&O CT) to Atlantic Commission Co., Pittsburgh, Pa. (P. R. R.)

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 19th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8781; Filed, May 24, 1945;
11:24 a. m.]

[S. O. 288, Special Permit 19]

REFRIGERATION OF SHELL EGGS AT WISCONSIN DELLS, WIS.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 288 of February 27, 1945 (10 F.R. 2408) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 insofar as it applies to the furnishing or supplying of two refrigerator cars, for loading with 480 cases of shell eggs each, for shipment by Rockoff Produce Company, Wisconsin Dells, Wisconsin, one car May 18, 1945, to U. S. Army, Robins Field, Georgia (C. M. St. P. & P.-I. C.-N. C. & St. L.-Sou.-G. S. & F.), and one car May 23, 1945, to U. S. Army Air Field, Albany, Georgia (C. M. St. P. & P.-I. C.-N. C. & St. L.-C. of Ga.-Ga. Nor.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8782; Filed, May 24, 1945; 11:25 a. m.]

[S. O. 288, Special Permit 20]

REFRIGERATION OF SHELL EGGS AT STOCKTON, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 288 of February 27, 1945 (10 F.R. 2408), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 insofar as it applies to the furnishing or supplying of two refrigerator cars for loading with shell eggs packed in mixed used wooden and fibreboard egg cases, shipped by Alex Getz from Stockton, Ill., not later than May 25, 1945, to Chicago, Ill., provided the used egg cases in which the eggs are packed comply with requirements of Consolidated Freight Classification No. 16.

The car order, bill of lading, other shipping papers and 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 19th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8783; Filed, May 24, 1945; 11:25 a. m.]

[S. O. 301, Special Permit 4]

OPEN TOP FREIGHT CARS FOR BAUXITE ORE AT NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 301 of April 13, 1945 (10 F.R. 4109), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 301 insofar as it applies to the furnishing of not to exceed 75 open-top railroad freight cars by the New York Central Railroad Company, at the New York Harbor Area, for the transfer of bauxite ore from S. S. William Wirt now at New York, and the transportation of the said cars from point of loading to Arvida, Quebec, Canada, consigned to Aluminum Company of Canada. (NYC-CN.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of May 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-8784; Filed, May 24, 1945; 11:25 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE 5]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when it should be determined that such return should be made.

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 Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 17, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

| Column 1 Name | Column 2 Country or territory | Column 3 Action or proceeding | Column 4 Interest | Column 5 Depositary | Column 6 Sum vested |
|---|----------------------------------|---|----------------------|---|------------------------|
| <i>Item 1</i> Spyrius Georgi Antonopoulos. | Greece..... | Estate of Nick Antonopoulos, aka Nick G. Antonopoulos, aka George Antonopoulos, aka N. G. Antonopoulos, aka Nick George Antonopoulos, deceased, Superior Court, State of California, County of Sacramento, No. 21901, Department No. 3. | \$3,702.06 | Bank of America National Trust and Savings Association, 8th and Jay Streets, Sacramento, California, Account No. 29599. | \$47.67 |
| <i>Item 2</i> Peter Georgi Antonopoulos. | Greece..... | Same..... | 3,702.07 | Bank of America National Trust and Savings Association, 8th and Jay Streets, Sacramento, California, Account No. 29701. | 47.67 |
| <i>Item 3</i> Johs Bloksted..... | Denmark.... | Estate of Jorgine Block, deceased, Superior Court, State of California in and for the City and County of San Francisco, No. 96366. | 611.98 | H. Phil Jensen, Executor, 1235 23rd Avenue, San Francisco, Calif. | 25.94 |
| <i>Item 4</i> Eugene Alberty..... | Belgium.... | Estate of Jacob Rausch aka Jacques Rausch, in the Superior Court of the State of California, in and for the County of Sacramento, No. 23889. | 666.77 | Bank of America National Trust and Savings Association, 8th and Jay Streets, Sacramento, California, Account No. 29980. | 49.96 |

EXHIBIT A—Continued.

| Column 1 Name | Column 2 Country or territory | Column 3 Action or proceeding | Column 4 Interest | Column 5 Depository | Column 6 Sum vested |
|--|----------------------------------|--|----------------------|---|------------------------|
| <i>Item 5</i> Ida Dominley..... | Belgium..... | Estate of Jacob Rausch aka Jacques Rausch, in the Superior Court of the State of California, in and for the County of Sacramento, No. 23889. | 666.77 | Bank of America National Trust and Savings Association, 8th and Jay Streets, Sacramento, California, Account No. 29682. | 49.95 |
| <i>Item 6</i> Rosa Licciardello..... | Italy..... | Estate of Rosario Licciardello, deceased, Superior Court, State of California, in and for the County of Contra Costa, No. 11715. | 721.96 | Bank of America National Trust and Savings Association, 1200 Broadway, Oakland, California, as Guardian of the Estate of Rosa Licciardello, minor. | 64.16 |
| <i>Item 7</i> Maria Licciardello..... | Italy..... | Same..... | 721.95 | Bank of America National Trust and Savings Association, 1200 Broadway, Oakland, California, as Guardian of the Estate of Maria Licciardello, minor. | 64.15 |
| <i>Item 8</i> Ruza Prusina..... | Jugoslavia..... | Estate of Frank Cordon in the Superior Court of the State of California in and for the County of Los Angeles. | 400.00 | Ramona Sesma Cordon, Executrix, 839 North Cherokee, Los Angeles, Calif. | 17.60 |
| <i>Item 9</i> Ante Kordusic..... | Jugoslavia..... | Same..... | 100.00 | Same..... | 4.40 |
| <i>Item 10</i> Danica Kordusic Sliskovic..... | Jugoslavia..... | Same..... | 100.00 | Same..... | 4.40 |
| <i>Item 11</i> Frano Kraljevic..... | Jugoslavia..... | Estate of Frank Cordon in the Superior Court of the State of California in and for the County of Los Angeles. | 100.00 | Ramona Sesma Cordon, Executrix, 839 North Cherokee, Los Angeles, Calif. | 4.40 |
| <i>Item 12</i> Milica Kraljevic..... | Jugoslavia..... | Same..... | 100.00 | Same..... | 4.40 |
| <i>Item 13</i> Jela Kraljevic..... | Jugoslavia..... | Same..... | 100.00 | Same..... | 4.40 |
| <i>Item 14</i> Mara Kraljevic..... | Jugoslavia..... | Same..... | 100.00 | Same..... | 4.40 |
| <i>Item 15</i> Marko Kordusic..... | Jugoslavia..... | Same..... | 50.00 | Same..... | 2.20 |

[F. R. Doc. 45-8674; Filed, May 23, 1945; 10:49 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

CHICAGO, ILL.

POSSESSION AND OPERATION OF PROPERTY OF MOTOR CARRIERS

To each motor carrier engaged in the transportation of property in or about the city of Chicago whose operations are being interrupted by reason of a labor disturbance:

1. You are hereby notified that, by order of the President of the United States (supra), possession and control of your motor carrier transportation system, including all real and personal property, facilities, and other assets, wherever situated, used or useful in connection with the operation of such system, are hereby taken and assumed by me as Director of the Office of Defense Transportation as of 12:01 o'clock a. m. on the 24th day of

May 1945. Possession and control is not taken of any of your property, facilities, or other assets, which are not used or useful in the operation of your transportation system.

2. The purpose of possession, control, and operation of motor carrier transportation systems and properties by the United States pursuant to said Executive Order is to assure the maintenance of an effective system of transportation for the movement of troops, materials of war, and supplies and food for the armed forces and the civilian population.

3. Effective this date, Ellis T. Longenecker is hereby appointed Federal Manager of the motor carrier transportation systems and properties taken hereunder, with full authority, subject to my direction:

(a) To possess, control, and operate, or arrange for the operation of, each of the systems and properties taken here-

under in such manner as may be necessary for the successful prosecution of the war and maintenance of essential civilian economy and to accomplish the purposes of the Executive Order, through or with the aid of such public or private agencies, persons, or corporations as he may designate;

(b) Subject to the provisions of the Executive Order, to manage or operate, or arrange for the management or operation of, said systems and properties under such terms and conditions of employment as he deems advisable and proper;

(c) From time to time, to return to any of the motor carriers such real or personal property, or other assets, of such carrier, as he determines to be unnecessary to the operation of its motor carrier transportation system; and

(d) To request the Secretary of War or such persons as he may designate, to furnish protection for persons employed or seeking employment with the transportation systems of which possession is taken hereunder and the properties of such systems, and to furnish equipment, manpower, and other facilities or services necessary to carry out the provisions and purposes of the Executive Order of the President.

4. A copy of this notice and order shall be posted by each carrier in the principal place of business or headquarters of its transportation system and in each terminal maintained in connection with its operation.

Issued at Washington, D. C., this 23d day of May 1945.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 45-8756; Filed, May 24, 1945; 10:51 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

McLAREN SPORTSWEAR CO. AND AMALGAMATED CLOTHING WORKERS OF AMERICA

DIRECTIVE TO WAR PRODUCTION BOARD TO DENY APPLICATIONS

In the matter of McLaren Sportswear Company, Phillipsburg, Pa. and Amalgamated Clothing Workers of America, CIO; WLB Case No. 111-4417-D.

Preliminary statement. The National War Labor Board, pursuant to Executive Order 9370, has reported to the Director of Economic Stabilization that the McLaren Sportswear Company of Phillipsburg, Pa., has failed to comply with a directive order heretofore issued by the Board in final determination of a labor dispute between the company and the Amalgamated Clothing Workers of America.

The War Labor Board, acting under the provisions of the War Labor Disputes Act of June 25, 1943, in accordance with its regular procedure decided the dispute and provided by appropriate order the wages and hours and other terms and conditions that should govern the relations between the parties. The company has refused to comply with this order. I hereby find that this refusal

threatens to delay and impede the effective prosecution of the war.

In the interest of the war effort, it is imperative that wartime labor disputes of the type involved in this case be resolved through the peaceful procedures established by law. The persistent refusal of this employer to comply with the National War Labor Board's order is disruptive of the government's wartime labor relations program.

I am informed by the Navy Department that it has no direct contracts with this company and that the application of sanctions "would not affect the Navy Department". The War Department has advised me that it has contracts for certain items with this company, but that as to such items "other sources of supply are available" and that any action taken under Executive Order 9370 against the company "would not adversely affect the War Department Program".

Under these circumstances, I find that the allocation to this employer of materials in short supply, or extension of priority assistance to the employer, would delay and impede rather than promote the effective prosecution of the war; and would be contrary to the requirements of the national defense and the public interest.

DIRECTIVE

Therefore, pursuant to the authority vested in me by Executive Order 9370, I hereby direct the War Production Board to deny the McLaren Sportswear Company of Phillipsburg, Pa., its successors and assigns, all applications for priority assistance or for the allocation of materials which are in short supply and to cancel all outstanding priorities and allocations of that company.

I further direct the War Production Board to report to me within fourteen (14) days after May 30, 1945, the action taken by it pursuant to this directive.

This directive shall become effective May 30, 1945 and shall remain in effect until such time as the Office of Economic Stabilization reports to the War Production Board that the company is in compliance with the National War Labor Board's order.

Effective date: May 30, 1945.

(E.O. 9370, Aug. 16, 1943, 8 F.R. 11463)

Issued this 23d day of May 1945.

WILLIAM H. DAVIS,
Director.

[F. R. Doc. 45-8759; Filed, May 24, 1945; 11:02 a. m.]

STANDARD TROUSER CO. AND AMALGAMATED CLOTHING WORKERS OF AMERICA

DIRECTIVE TO WAR PRODUCTION BOARD TO DENY APPLICATIONS

In the matter of Standard Trouser Company, Buchannon, West Virginia, and Amalgamated Clothing Workers of America, CIO; WLB Case No. 111-4418-D.

Preliminary statement. The National War Labor Board, pursuant to Executive No. 104—9

Order 9370, has reported to the Director of Economic Stabilization that the Standard Trouser Company of Buchannon, West Virginia, has failed to comply with a directive order heretofore issued by the Board in final determination of a labor dispute between the company and the Amalgamated Clothing Workers of America.

The War Labor Board, acting under the provisions of the War Labor Disputes Act of June 25, 1943, in accordance with its regular procedure decided the dispute and provided by appropriate order the wages and hours and other terms and conditions that should govern the relations between the parties. The company has refused to comply with this order. I hereby find that this refusal threatens to delay and impede the effective prosecution of the war.

In the interest of the war effort, it is imperative that wartime labor disputes of the type involved in this case be resolved through the peaceful procedures established by law. The persistent refusal of this employer to comply with the National War Labor Board's order is disruptive of the government's wartime labor relations program.

I am informed by the Navy Department that it has no direct contracts with this company and that the application of sanctions "would not affect the war effort so far as the Navy is concerned". The War Department has advised me that it has contracts for certain items with this company, but that as to such items "other sources of supply are available" and that any action taken under Executive Order 9370 against the company "would not adversely affect the War Department Program".

Under these circumstances, I find that the allocation to this employer of materials in short supply, or extension of priority assistance to the employer, would delay and impede rather than promote the effective prosecution of the war; and would be contrary to the requirements of the national defense and the public interest.

DIRECTIVE

Therefore, pursuant to the authority vested in me by Executive Order 9370, I hereby direct the War Production Board to deny the Standard Trouser Company of Buchannon, West Virginia, its successors and assigns, all applications for priority assistance or for the allocation of materials which are in short supply and to cancel all outstanding priorities and allocations of that company.

I further direct the War Production Board to report to me within fourteen (14) days after May 30, 1945, the action taken by it pursuant to this directive.

This directive shall become effective May 30, 1945 and shall remain in effect until such time as the Office of Economic Stabilization reports to the War Production Board that the company is in compliance with the National War Labor Board's order.

Effective date: May 30, 1945.

(E.O. 9370, Aug. 16, 1943, 8 F.R. 11463)

Issued this 23d day of May 1945.

WILLIAM H. DAVIS,
Director.

[F. R. Doc. 45-8758; Filed, May 24, 1945; 11:02 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 94 Under Order A-2]

F. W. ALEXANDER

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* F. W. Alexander of Cleburne, Texas, may sell and deliver the grade 2, No. 25 household broom described in his application, dated December 5, 1944, which he manufactures, at a price no higher than set forth below:

| Article | Maximum price to dealers | Adjustment charge | Maximum price to dealers as adjusted |
|---------------------------------------|--------------------------|-------------------|--------------------------------------|
| Grade 1, No. 25, household broom..... | Dozen \$6.80 | Dozen \$0.52 | Dozen \$7.32 |

The adjustment charge provided herein may be made and collected only if stated separately.

The manufacturer's maximum price, as adjusted, is subject to his customary discounts, terms and allowances in effect during March, 1942, on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he hereafter establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser

for resale, on and after the effective date of this order showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for re-sales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 24th day of May 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8711; Filed, May 23, 1945; 11:46 a. m.]

[MPR 580, Order 69]

MALLORY HAT CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 69 under Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Document No. 6063-580-13-46.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by The Mallory Hat Company, 88 Rose Hill Avenue, Danbury, Conn., and described in the manufacturer's application dated April 9, 1945:

| Article | Style name | Manu- fac- turer's ceiling price | Ceiling price at retail | |
|----------------|---------------------------------|--|----------------------------------|--------|
| | | | Dozen | Unit |
| Mallory hats.. | Burton-Taylor Wafer Lite. | 36 | \$36 | \$5.00 |
| | Burton-Taylor Super. | 36 | 36 | 5.00 |
| | Wilson Superior | 36 | 36 | 5.00 |
| | University Club Superior. | 36 | 36 | 5.00 |
| | Emerson Emercraft.. | 36 | 36 | 5.00 |
| | Emerson Veri-Lite | 36 | 36 | 5.00 |
| | Burton-Taylor Federal. | 39 | 39 | 6.00 |
| | Wilson Crest..... | 39 | 39 | 6.00 |
| | Emerson Super..... | 39 | 39 | 6.00 |
| | University Club Crest. | 39 | 39 | 6.00 |
| | Stowaway..... | 42 | 42 | 6.50 |
| | Preferred..... | 42 | 42 | 6.50 |
| | Aristocrat..... | 51 | 51 | 7.50 |
| | Burton-Taylor Admiral. | 51 | 51 | 7.50 |
| | Wilson \$7.50..... | 51 | 51 | 7.50 |
| | Emerson Peerless..... | 51 | 51 | 7.50 |
| | University Club \$7.50 Classic. | 57 | 57 | 8.50 |
| | Burton-Taylor Commodore. | 57 | 57 | 8.50 |
| | Wilson \$8.50..... | 57 | 57 | 8.50 |
| | Emerson \$8.50..... | 57 | 57 | 8.50 |
| | University Club \$8.50 Premier. | 57 | 57 | 8.50 |
| | Burton-Taylor President. | 69 | 69 | 10.00 |
| | Wilson Ten..... | 69 | 69 | 10.00 |
| | Emerson Ten..... | 69 | 69 | 10.00 |
| | University Club Ten. | 69 | 69 | 10.00 |
| | Mallory Fifteen. | 99 | 99 | 15.00 |
| | Burton-Taylor Fifteen. | 99 | 99 | 15.00 |
| | Wilson Fifteen..... | 99 | 99 | 15.00 |
| | Emerson Fifteen..... | 99 | 99 | 15.00 |
| | University Club Fifteen. | 99 | 99 | 15.00 |

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 1, 1945, The Mallory Hat Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price \$-----

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

| Article | Brand name | Style and size | Manu- fac- turer's price line | Ceiling price at retail | |
|---------------|-----------------|--------------------------|--|--------------------------------------|---|
| | | | | In California, Oregon and Washington | Except in California, Oregon and Washington |
| Blankets..... | North Star..... | Nocturne 72 x 90..... | \$5.37 | \$8.95 per unit..... | \$8.95 per unit. |
| Do..... | do..... | Wave 72 x 90..... | 10.17 | \$17.95 per unit..... | \$16.95 per unit. |
| Do..... | do..... | Zephyr 72 x 90..... | 13.75 | \$25.00 per unit..... | \$25.00 per unit. |
| Do..... | do..... | Loring Pair 72 x 84..... | 13.50 | \$22.50 per pair..... | \$22.50 per pair. |
| Do..... | do..... | Devon Pair 72 x 90..... | 15.07 | \$27.50 per pair..... | \$27.50 per pair. |
| Do..... | do..... | Regal Pair 72 x 90..... | 24.75 | \$45.00 per pair..... | \$45.00 per pair. |
| Do..... | do..... | Nod 36 x 54..... | 2.70 | \$4.95 per unit..... | \$4.95 per unit. |
| Do..... | do..... | Nod 42 x 60..... | 3.75 | \$6.95 per unit..... | \$6.95 per unit. |
| Do..... | do..... | Iris 42 x 60..... | 5.35 | \$9.50 per unit..... | \$9.50 per unit. |

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 1, 1945, North Star Woolen Mill Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—\$-----

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 24, 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8715; Filed, May 23, 1945; 11:47 a. m.]

[MPR 580, Order 71]

NORTH STAR WOOLEN MILL CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 71 under Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-189.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by North Star Woolen Mill Company, 218 South 2nd Street, Minneapolis 1, Minn., and described in the manufacturer's application dated May 11, 1945:

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 24, 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8717; Filed, May 23, 1945; 11:48 a. m.]

[MPR 580, Order 70]

BUSCARLET GLOVE CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 70 under Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-165.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Buscarlet Glove Company, Inc., 468 Fourth Avenue, New York, N. Y. and described in the manufacturer's application dated April 30, 1945.

| Article | Brand name | Stype No. and description | Ceiling price at retail (per pair) |
|---------|------------|--------------------------------------|------------------------------------|
| Gloves | Kislav | 942 4-button PK slipon doeskin. | \$6.50 |
| Do | do | 960 1-button PK | 5.00 |
| Do | do | 973 4-button HS slipon | 7.00 |
| Do | do | 3999 1-button handsewn | 6.50 |
| Do | do | 2917/6 6-button PK slipon | 7.50 |
| Do | do | 2917/8 8-button PK slipon | 8.50 |
| Do | do | 3801 Short handsewn with kick pleat. | 6.50 |
| Do | Boxlav | 868 Short HS glace sport slipon. | 5.00 |
| Do | Glacelav | 150/4 4-button PK slipon | 4.00 |
| Do | do | 150/6 6-button PK slipon | 5.00 |
| Do | do | 150/8 8-button PK slipon | 6.00 |

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 1, 1945, Buscariet Glove Company, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—\$-----

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 24th, 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8716; Filed, May 23, 1945; 11:48 a. m.]

[MPR 580, Order 72]

ACME MATTRESS CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 72 under Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-97.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Acme Mattress Company, Inc., 708-716 Madison Avenue, Indianapolis, 4, Indiana and described in the manufacturer's application dated April 16, 1945.

| Article | Brand name | Manufacturer's selling price | Ceiling price at retail |
|----------|--------------------------|------------------------------|-------------------------|
| Mattress | Four Star Triple Cushion | \$21 | \$39.50 |

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 1, 1945, Acme Mattress Company, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price \$-----

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 24th, 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8718; Filed, May 23, 1945; 11:47 a. m.]

[FPR 1, Order 25 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

For the reasons set forth in an opinion simultaneously herewith, *It is ordered:*

(a) That, pending authorization or approval by the Office of Price Administration of a maximum price for an item reported under section 10 (c) or applied for under section 10 (d), the processor may receive payment for the item upon delivery to government procurement agencies, but not in excess of

75% of the price reported or proposed by him (after adjusting that price pursuant to section 10 (k)). The processor shall refund to the buyer any amount received by him in excess of the maximum price authorized or approved by the Office of Price Administration.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 23, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8747; Filed, May 23, 1945; 4:45 a. m.]

[MPR 188, Rev. Order 687]

SUPERIOR SLEEPRITE CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 687 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of beds manufactured by Superior Sleeprite Corporation, 2219-2323 South Halsted Street, Chicago, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock | Maximum price per sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock |
|-----------------|-----------|---|--|
| Jenny Lind bed. | 701 | Each \$8.50 | Each \$10.00 |

These prices are f. o. b. factory and are for the article described in the manufacturer's application dated August 6, 1943.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been

authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 24th day of May 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8748; Filed, May 23, 1945;
4:45 p. m.]

[MPR 188, Order 38, Under Order 1052]

EDISON WOOD PRODUCTS, INC.
ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (h) of Order No. 1052 under § 1499.159 (b) of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Edison Wood Products, Inc., of New London, Wisconsin, may add the following additional adjustment charges to its maximum prices in effect prior to the issuance of this order, for sales and deliveries to all classes of purchasers of the articles listed below, which it manufactures.

| Article | Model No. | Additional adjustment permitted by this order |
|-----------|-----------|---|
| Crib..... | 105 | \$0.89 |
| | 104 | .68 |

These additional adjustment charges may be made and collected only if each is separately stated on each invoice and they are in addition to any adjustment charge permitted by paragraph (d) of Order No. 1052 under Maximum Price Regulation No. 188. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* A person who hereafter buys an article covered by this order and resells it in substantially the same form, may collect from his customer, in addition to his properly established maximum price in effect prior to the issuance of this order, an adjustment charge in the same amount as the additional adjustment charge herein authorized for and which he pays to his supplier. If he did not establish a maximum price for the article before the issuance of this order, he may add the same adjustment charge to the maximum price which he here-

after establishes for his sales under the applicable regulation. If the applicable regulation requires the maximum resale price to be computed on the basis of cost, the reseller must find his maximum resale price (without the adjustment charge) by using as cost his invoice cost not including any adjustment charge stated on the invoice as a separate amount.

On all sales other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted prices are subject to each seller's customary terms, discounts, and allowances on sales of the same or similar articles. The adjustment charge authorized in this paragraph (b) is in addition to any adjustment charge permitted for wholesalers by Order No. 1052 under Maximum Price Regulation No. 188.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, on and after the effective date of this order showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the method established by paragraph (b) of this order for determining adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) All requests not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 24th day of May 1945.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8749; Filed, May 23, 1945;
4:46 p. m.]

[MPR 188, Correction to Order 2786]

FOUR STAR FRAMES MFG. CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, Order No. 2786 under MPR 188 is corrected as follows:

The maximum prices to persons, other than retailers, who resell from the manufacturer's stock, specified in that order as \$2.34 and \$2.29 for the Model No. 4 Adirondack Chair and the Model No. 5 Adirondack Chair respectively are corrected to read \$2.30 and \$2.49 respectively.

Issued this 23d day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8750; Filed, May 23, 1945;
4:46 p. m.]

[MPR 188, Order 3849]

J. & M. DISTRIBUTING Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and

filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by J. & M. Distributing Co., 206 Broadway, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model No. | Manufacturer's maximum price to persons, other than retailers, who sell from their own stock | Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock | Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock |
|----------|----------------|--|---|--|
| Smoker.. | 595-600 695 | Each \$4.14 3.60 | Each \$4.39 3.83 | Each \$5.17 4.50 |

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated February 23, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 24th day of May 1945.

Issued this 23d day of May, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8751; Filed, May 23, 1945;
4:45 p. m.]

[MPR 64, Amdt. 1 to Order 171]

DIXIE FOUNDRY Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered*, That Order No. 171 under Maximum Price Regulation No. 64 is amended in the following respects:

(1) Paragraph (c) is amended to read as follows:

(c) At the time of or prior to the first invoice to each purchaser for resale, after the effective date of this order, Dixie Foundry Company and each wholesale distributor shall notify the purchaser of the maximum prices and conditions set by this order for resales by the purchaser. This notice may be given in any convenient form. In addition, the Dixie Foundry Company shall, before delivering any stove covered by this order after the effective date of this order, attach securely to each stove a tag or label which plainly states the maximum price of the particular stove for sales to ultimate consumers in each zone together with a list of the states included in each zone. This tag or label may not be removed until after the stove has been sold to an ultimate consumer.

2. Paragraphs (d) and (e) are redesignated paragraphs (e) and (f) respectively.

3. A new paragraph (d) is added to read as follows:

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

- Zone 1. Tennessee, Kentucky, North Carolina, South Carolina, Georgia, and Alabama.
- Zone 2. All states not included in any other zone, and the District of Columbia.
- Zone 3. North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, New Mexico, Oklahoma, and Texas.
- Zone 4. Montana, Washington, Idaho, Oregon, California, Nevada, Utah, and Arizona.

This amendment shall become effective on the 25th day of May 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8795; Filed, May 24, 1945; 11:39 a. m.]

[RMPR 136, Order 447]

CHRYSLER CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 447 under Revised Maximum Price Regulation 136. Machines, Parts and Industrial Equipment; Chrysler Corporation; Docket No. 6083-136.21-359.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328, and section 21 of Revised Maximum Price Regulation 136; *It is ordered*:

(a) Chrysler Corporation, Detroit, Michigan, and its factory distributors (hereinafter referred to as "the seller"), are authorized to sell to resellers, each Dodge motor truck listed in subparagraph (1) below produced under the War

Production Board's allocation to the Chrysler Corporation for 1945 production of 6557 units of ½ ton commercial truck models when equipped with synthetic rubber tires delivered to Chrysler Corporation on or after April 18, 1944, at a price not to exceed the total of the applicable "Net Wholesale Price," f. o. b. factory, Detroit, Michigan, listed in subparagraph (1) below and the applicable charges in subparagraph (2) below, (subject to the discounts and allowances in effect on March 31, 1942)

(1) *Model, description and net wholesale price.*

WC (T-112)—Truck, commercial, cab and chassis, ½-ton, 116" wheelbase, with 1942 standard equipment and specifications, except that it is equipped with synthetic tires of base tire size..... \$605

WC (T-112)—Truck, commercial, cab and chassis with express body, ½-ton, 116" wheelbase, with 1942 standard equipment and specifications, except that it is equipped with synthetic tires of base tire size..... 631

(2) *Charges.* (i) A charge for extra, special, and optional equipment not to exceed the "Net wholesale prices" in effect on March 31, 1942, (subject to the discounts in effect on March 31, 1942 to the applicable class of purchasers) for such equipment when sold as original equipment; except, that for the following equipment, a charge not to exceed the following applicable "Net wholesale price" (subject to the discounts and allowances in effect on March 31, 1942):

Description and Net Wholesale Price

Four 6.00 x 16, 6 ply synthetic rubber tires furnished in lieu of synthetic rubber tires of base tire size on Model WC ½-ton commercial trucks..... \$6.00

(ii) A charge to cover handling and delivery expense, computed in accordance with the method that the seller had in effect on March 31, 1942;

(iii) A charge to cover freight expense, based on current freight rates and computed in accordance with the method that the seller had in effect on March 31, 1942;

(iv) A charge to include the federal excise tax on tires and tubes and other federal excise taxes, state and local taxes on the truck being sold, computed in accordance with the method that the seller had in effect on March 31, 1942.

(b) Chrysler Corporation and its wholly owned subsidiaries, except its wholly owned retail dealerships, are authorized to sell to the United States Government, its agencies and wholly owned corporations, for the use of the United States Government or for the purposes of lend-lease, each of the Dodge motor trucks listed in subparagraph (1) of paragraph (a) produced under the War Production Board's allocation to the Chrysler Corporation for 1945 production of 6557 units of ½ ton commercial truck models at a price not to exceed the applicable "Net wholesale price" in subparagraph (1) of paragraph (a), less the amount included in such "Net wholesale price" for payment to dealers as an average wholesale bonus; to which it may add the applicable charges in subparagraph (2) of paragraph (a).

(c) A reseller of Dodge motor trucks, except when it sells as a factory distributor, is authorized to sell delivered at its place of business, each Dodge motor truck listed in subparagraph (1) below produced under the War Production Board's allocation to the Chrysler Corporation for 1945 production of 6557 units of ½ ton commercial truck models when equipped with synthetic rubber tires delivered to Chrysler Corporation on or after April 18, 1944, at a price not to exceed the total of the applicable "Retail List Price" in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts in effect on March 31, 1942):

(1) *Model, description and "Retail list price", f. o. b. factory, Detroit, Michigan.*

WC (T-112)—Truck, commercial, cab and chassis, ½-ton, 116" wheelbase, with 1942 standard equipment and specifications, except that it is equipped with synthetic tires of base tire size..... \$795

WC (T-112)—Truck, commercial, cab and chassis with express body, ½-ton, 116" wheelbase, with 1942 standard equipment and specifications, except that it is equipped with synthetic tires of base tire size..... 830

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942, for such equipment, when sold as original equipment; except, that for the following equipment, the charge shall not exceed the following applicable "Retail List Price" (subject to the discounts in effect on March 31, 1942):

| <i>Description</i> | <i>Retail list price</i> |
|---|--------------------------|
| Four 6.00 x 16, 6-ply synthetic rubber tires furnished in lieu of synthetic rubber tires of base tire size on Model WC ½-ton commercial trucks..... | \$8.00 |

(ii) A charge for transportation which shall not exceed the charge Chrysler Corporation would make for the transportation of the truck from the factory to the place of business of the reseller;

(iii) A charge to cover federal, state and local taxes on the purchase, sale or delivery of the truck, computed in accordance with the method that the reseller had in effect on March 31, 1942;

(iv) A charge for handling and delivery equal to the charge that the reseller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942 to the applicable class of purchasers.

(d) A reseller that cannot establish a price under paragraph (c) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the applicable "Retail list price," f. o. b. factory, Detroit, Michigan, set forth in subparagraph (1) of paragraph (c), the following applicable charges:

(1) *Charges.* (i) A charge equal to the original equipment factory retail charge made on March 31, 1942, by the Chrysler Corporation for the extra, special and optional equipment attached to the truck as original equipment except

that for the following equipment the charge shall not exceed the following applicable "Retail list price" (subject to the discounts in effect on March 31, 1942):

| Description | Retail list price |
|---|-------------------|
| Four 6.00 x 16, 6-ply synthetic rubber tires furnished in lieu of synthetic rubber tires of base tire size on Model WC 1/2-ton commercial trucks..... | \$8.00 |

(ii) A charge for transportation which shall not exceed the charge Chrysler Corporation would make for the transportation of the truck from the factory to the place of business of the reseller.

(iii) A charge equal to the charge made to the reseller by Chrysler Corporation, in accordance with the method Chrysler Corporation had in effect on March 31, 1942, to cover the federal excise tax on tires and tubes and other federal excise taxes;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck.

(e) A reseller of Dodge motor trucks in any of the territories or possessions of the United States is authorized to sell each of the trucks described in paragraph (c), at a price not to exceed the applicable price established in paragraph (c) or (d), to which it may add a sum equal to the expense incurred by or charged to it for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(f) For the purpose of this order a "reseller" is: (1) A seller engaged generally in the business of selling trucks at retail; (2) the Chrysler Corporation and its wholly named subsidiaries when selling trucks (i) at retail, (ii) to fleet accounts, (iii) to the United States, or its agencies, or its wholly owned corporations, for resale by the latter to buyers outside the United States.

(g) All requests not granted herein are denied.

(h) This order may be amended or revoked by the Administrator at any time.

Note: Where the manufacturer has an established price in accordance with section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of substantial changes in design, specifications or equipment of the truck, the reseller may add to its price under paragraph (c), (d), or (e) any increase in price to it over the price it would otherwise pay under paragraph (a), plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a) the reseller must reduce its price under paragraph (c), (d), or (e) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective May 24, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8794; Filed, May 24, 1945; 11:39 a. m.]

[RMFR 161, Amdt. 1 to Order 53]

WEST COAST LOGS

APPROVED GRADERS AND SCALERS

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator by § 1381.158 of Revised Maximum Price Regulation 161, It is hereby ordered:

Paragraph (b) is amended by the addition of the name of F. A. McDonald, Longview, Washington, to the list of approved individual graders and scalers immediately preceding the name of R. W. McIntyre.

This amendment may be revoked or amended at any time.

This amendment shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8785; Filed, May 24, 1945; 11:28 a. m.]

[MPR 188, Amdt 79 to Order A-1]

HUDSON RIVER COMMON BUILDING BRICK

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (6) (ii) of Order A-1 is amended to read as follows:

(ii) Maximum prices for manufacturers. The manufacturers' maximum prices for Hudson River common building brick (not including "h" grade Hud-

son River common brick) produced within the Hudson River Area, as defined in subdivision (vi) below, as established under Maximum Price Regulation 188, as amended, and in effect on the 18th day of May 1944, may be increased by adding an amount not in excess of \$2.25 per thousand for standard size brick, and \$2.75 per thousand for oversize or Jumbo brick, to the f. o. b. plant or delivered prices.

The maximum prices for the above classifications of brick shall be subject to an allowance of \$1.00 per M for unloading and \$0.50 per M for cash payment. The terms under which such allowances are given shall not be made more onerous to the purchaser than those in effect in March 1942.

This amendment shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8786; Filed, May 24, 1945; 11:39 a. m.]

[RMFR 499, Order 20]

JEAN R. GRAEF, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation 499, it is ordered:

(a) Effect of this order. This order establishes maximum prices for sales of the Swiss watches specified below imported by Jean R. Graef, Inc., 9 Rockefeller Plaza, New York, New York, hereinafter called the "importer."

(b) Maximum prices. The maximum prices for sales by any person to retailers or at retail of the Girard-Perregaux watches identified below are as follows:

| Style | Description | Maximum prices to retailers | Maximum retail prices exclusive of the Federal excise tax |
|-------------------------|--|-----------------------------|---|
| G8629, F8645, and F8646 | 8/9 L 17 J 10K gold filled, strap..... | \$20.25 | \$40.00 |
| G0675 | 10 1/4 L 17J 10K gold filled, strap..... | 18.35 | 35.00 |
| G0677 | 11 1/4 L 17J 10K gold filled, strap..... | 18.35 | 35.00 |
| F7268 & G7244 | 7/11 L 17J 10K gold filled, strap..... | 19.35 | 38.00 |
| P8697 | 8/9 L 17J 14K Gold, strap..... | 37.50 | 70.00 |
| R8609 & R8616 | 8/9 L 17J 14K Gold, strap..... | 42.50 | 77.50 |
| P0677 | 11 1/4 L 17J 14K Gold, strap..... | 32.80 | 65.00 |
| P0616 | 10 1/4 L 17J 14K Gold strap..... | 32.80 | 65.00 |
| R7207 | 7/11 L 17J 14K Gold strap..... | 35.00 | 70.00 |
| G0861 | 6/8 L 17J 10K gold filled, cord..... | 19.75 | 40.00 |
| G0863 & H0801 | 6/8 L 17J 10K gold filled, cord..... | 19.25 | 37.50 |
| G6818 & F6842 | 6/8 L 15J 10K gold filled, cord..... | 16.50 | 32.50 |
| G7508 | 7/3 1/4 L 17J 10K gold filled, cord..... | 19.00 | 37.50 |
| G8280 | 5L 17J 14K gold filled, cord..... | 22.25 | 45.00 |
| G8283 | 5L 17J 14K gold filled, cord..... | 23.75 | 47.50 |
| P8229, P8292 and P8265 | 5L 17J 14K Gold, cord..... | 29.50 | 57.50 |
| P8298 | 5L 17J 14K Gold, cord..... | 27.25 | 55.00 |
| P8284 | 5L 17J 14K Gold, cord..... | 28.25 | 55.00 |
| R8223 | 5L 17J 14K Gold, cord..... | 29.50 | 60.00 |
| R8219 | 5L 17J 14K Gold watch with 14K Gold single snake bracelet..... | 55.00 | 100.00 |
| P8824 & R0804 | 6/8 L 17J 14K Gold, cord..... | 25.75 | 50.00 |
| F7571 | 7/3 1/4 L 17J 14K Gold, cord..... | 25.00 | 50.00 |
| R7512 & R7521 | 7/3 1/4 L 17J 14K Gold, lapel..... | 33.50 | 65.00 |
| R7813 | 7/3 1/4 L 17J 14K Gold, lapel..... | 43.50 | 80.00 |
| R7822 | 7/3 1/4 L 17J 14K Gold, lapel..... | 72.50 | 130.00 |
| Q2313 | 17L 17J 14K Gold Filled Pocket Watch..... | 22.50 | 45.00 |
| R2310 | 17L 17J 14K Gold Pocket Watch..... | 57.50 | 100.00 |
| L0601 | 11 1/4 L 15J S. S. waterproof, strap..... | 18.00 | 37.50 |
| L1688 | 11 1/4 L 17J S. S. waterproof, strap Sw. Sec..... | 20.60 | 42.50 |
| M1611 | 11 1/4 L 15J S. S. waterproof, strap Sw. Sec..... | 20.00 | 40.00 |
| M1621 | 11 1/4 L 17J S. S. waterproof, strap Sw. Sec..... | 21.50 | 42.50 |
| M1620 | 10 1/4 L 17J S. S. waterproof, strap Sw. Sec..... | 23.00 | 47.50 |
| M0622 & M0600 | 10 1/4 L 17J S. S. waterproof, strap..... | 22.00 | 45.00 |

The importer's maximum prices set forth above are subject to its customary March 1942 terms and allowances.

No charge for the extension of credit may be added to the above maximum retail prices which are exclusive of the Federal excise tax of 10% (20% in the case of watches retailing for more than \$65.00).

(c) *Notification.* Any person who sells the above watches to a purchaser for resale shall furnish the purchaser with a copy of this order or a price list incorporating the above prices and containing a certification that they are maximum prices established by the Office of Price Administration. In addition, he shall include on every invoice covering a sale of these watches the following statement:

OPA Order No. 20, under RMPR 499 establishes the maximum prices at which you may sell these watches.

This notification requirement supersedes the notification requirement in section 12 of Revised Maximum Price Regulation 499 with respect to the watches covered by this order.

(d) *Tagging.* The importer shall include with every watch covered by this order delivered to a purchaser for resale after its effective date, a tag or label setting forth the style number and the maximum retail price of the particular watch. This tag may also state the maximum retail price exclusive of the Federal excise tax as set forth in this order or may state the maximum retail price inclusive of the Federal excise tax arrived at by adding the proper tax to the prices established by this order. This tag or label may not be removed until the watch is sold to an ultimate consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in section 2 of Revised Maximum Price Regulation 499 shall apply to the terms used herein.

This order shall become effective May 25, 1945.

Issued this 24th day of May 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-8788; Filed, May 27, 1945; 11:28 a. m.]

Regional and District Office Orders.

[Region VII Order G-3 Under MPR 121, Amdt. 3]

SOLID FUEL IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.247a (b) of Maximum Price Regulation No. 121, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. Amendment No. 2, issued on May 8, 1944, is hereby revoked and superseded as of the effective date of this Amendment No. 3.

2. Paragraph (b), "Sizes and prices", of Order No. G-3 is hereby revised and amended to read as follows:

| (b) Sizes and prices: | Ton |
|---------------------------------------|--------|
| No. 1 anthracite grate coal..... | \$9.85 |
| No. 2 anthracite egg coal..... | 9.85 |
| No. 3 anthracite stove coal..... | 9.85 |
| Baseburner anthracite coal..... | 9.85 |
| No. 7 anthracite pea coal..... | 5.85 |
| No. 8 anthracite buckwheat coal..... | 4.35 |
| No. 9 anthracite chestnut coal..... | 7.85 |
| No. 10 anthracite duff coal..... | 4.35 |
| Special anthracite, size 2" x 3"..... | 10.30 |

3. *Effective date.* This Amendment No. 3 to Order No. G-3 shall become effective May 1, 1945.

Issued: May 8, 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45-8725; Filed, May 23, 1945; 2:00 p. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 34]

SOLID FUEL IN BOULDER, COLO.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 34 is issued.

TABLE OF MAXIMUM PRICES

| Kind and letter designation | Size | Part 1—Delivered prices | | Part 2—Yard prices | |
|--|--|-------------------------|-----------|--------------------|-----------|
| | | Per ton | Per ½-ton | Per ton | Per ½-ton |
| Bituminous coal produced in district 16: Subdistricts 1, 2, and 3, Louisville, Lafayette, and Marshall #1: | | | | | |
| (A)..... | #2, #3, and #5: 8" lump, 2½" lump, and 8" x 2½" egg. | \$7.25 | \$3.90 | \$6.75 | \$3.65 |
| (B)..... | #4: 8" x 4" grate..... | 7.75 | 4.15 | 7.25 | 3.90 |
| (C)..... | #6: 4" x 2½" nut..... | 6.30 | 3.40 | 5.80 | 3.15 |
| (D)..... | #8: 2½" x 1½" pea..... | 15.95 | ----- | 5.70 | 3.10 |
| (E)..... | #9: 1½" x ¾" mod. pea..... | 15.50 | ----- | 5.25 | 2.90 |
| (F)..... | #10 and #11: 2½" x 0" and 1½" x 0" slacks. | 14.60 | ----- | 4.35 | 2.45 |
| Subdistricts 4, 6, and 8, Marshall #2, Erie, and Frederick: | | | | | |
| (G)..... | #2, #3, and #5: 8" lump, 2½" lump and 8" x 2½" egg. | 6.70 | 3.60 | 6.20 | 3.40 |
| (H)..... | #4: 8" x 4" grate..... | 7.25 | 3.90 | 6.75 | 3.65 |
| (I)..... | #6: 4" x 2½" nut..... | 6.20 | 3.35 | 5.70 | 3.10 |
| (J)..... | #8: 2½" x 1½" pea..... | 15.95 | ----- | 5.70 | 3.10 |
| (K)..... | #9: 1½" x ¾" mod. pea..... | 15.50 | ----- | 5.25 | 2.90 |
| (L)..... | #10 and #11: 2½" x 0" and 1½" x 0" slacks. | 14.60 | ----- | 4.35 | 2.45 |

¹ Pea and slack coals delivered prices are based on loads of 2 tons or more. For deliveries of less than 2 tons, add 2 cents to the per ton price.

(4) *Letter designation.* For record-keeping purposes, the letter designation hereinabove set forth may be used to show the kind of solid fuel sold.

(5) *Special service charges.* If, in connection with the sale and delivery of coal made by you in the Boulder Trade Area, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such services are as follows:

| | Per ton | Per ½ ton |
|---------------------------------|---------|-----------|
| "Wheel-in"..... | \$0.50 | \$0.35 |
| "Pull-back" or "trimming"..... | .25 | .15 |
| Carrying up or down stairs..... | 1.00 | .50 |
| Oil or chemical treatment..... | .25 | .15 |

1. Paragraph (q), *Appendices establishing specific maximum prices for certain trade areas in Region VII*, is hereby amended by adding thereto Appendix XL, to read as follows:

(q) *Appendices establishing specific maximum prices for certain trade areas in Region VII.*

APPENDIX XL—BOULDER TRADE AREA

(1) *To what sales this Appendix XL applies.* This Appendix XL applies only to sales made by dealers in the Boulder Trade Area of the State of Colorado, which means all of that area contained within a radius of two miles from the County Court House Square in the City of Boulder.

(2) *Relation to other orders.* This Order No. G-26, as amended by Amendment No. 34 incorporating therein this Appendix XL, supersedes all prices of the dealers in the Boulder Trade Area as now established under Revised Maximum Price Regulation No. 122, and from and after the effective date of Amendment No. 34 the maximum prices of all such dealers shall be dollars-and-cents prices set forth herein.

(3) *Specific maximum prices.* If you are a dealer and sell in the Boulder Trade Area of the State of Colorado, either f. o. b. your yard, or delivered by truck direct from the mine or from your yard, any one or more of the kinds and sizes of coal named in this Appendix XL, your maximum prices therefor are those set forth in parts 1 and 2 of the following:

2. *Effective date.* This amendment No. 34 shall become effective on the 8th day of May 1945.

Issued: May 8, 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.

[F. R. Doc. 45-8724; Filed, May 23, 1945; 2:00 p. m.]

[Region VIII Order G-7 Under Supp. Order 94]

ARMY MATTRESSES IN SAN FRANCISCO REGION

For the reasons set forth in an accompanying opinion and pursuant to the

authority conferred upon the Regional Administrator by sections 11 and 13 of Supplementary Order Number 94 and Price Operating Instruction, General No. 15, for Supplementary Order Number 94, it is hereby ordered as follows:

(a) The maximum prices for sales of the following described commodity shall be as set forth below:

Used renovated mattress, size 30" x 78", No. 4 box—23 lb. cotton felt 6.2 oz. ACA ticking.

| | Each |
|---------------------------------------|--------|
| Distributors or others to wholesalers | \$2.75 |
| Wholesalers to retailers | 3.70 |
| Retailers to consumers | 6.20 |

(b) The above prices are net, f. o. b. shipping point.

(c) This order shall apply to all sales and deliveries heretofore or hereafter made in the States of California, Washington, Nevada, Oregon except Malheur County, Arizona, except those portions of Coconino County, and Mohave County lying north of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

This order shall become effective May 11, 1945, and shall continue in effect until the sales for which maximum prices are hereby established shall be made subject to an order issued by the National Office of the Office of Price Administration.

Issued: May 7, 1945.

A. J. CATHCART,
Acting Regional Administrator.

[F. R. Doc. 45-8722; Filed, May 23, 1945; 2:00 p. m.]

[Region VIII Order G-28 Under 3 (e)]

A. H. REIMER

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and pursuant to authority conferred upon the Regional Administrator by § 1499.3 (e) of the General Maximum Price Regulation, it is hereby ordered:

(a) The maximum price for sales by all persons other than manufacturers to ultimate consumers of a metal rake known and described as "The Novex Rake: Head of welded wire mesh, 13½" wide and 16" long, attached to a 48" round pine handle by three wood screws, with the head and 8" of handle painted green", shall be \$0.95 each.

(b) The maximum price hereby established shall apply to sales to ultimate consumers in the State of California.

(c) This order may be revoked or amended at any time.

(d) This order shall become effective May 15th, 1945.

Issued: May 10, 1945.

A. J. CATHCART,
Acting Regional Administrator.

[F. R. Doc. 45-8723; Filed, May 23, 1945; 2:00 p. m.]

[Region VII Order G-58 Under 18 (c)]

SURVEY STAKES IN COLORADO

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Order No. G-58 is issued.

(a) *Geographical applicability.* The adjusted maximum price established by this Order No. G-58 for the survey stakes described herein shall be applicable only in the State of Colorado.

(b) *Specific maximum prices.* On and after the effective date of this Order No. G-58, the maximum prices for the survey stakes made of softwood and of the sizes specified herein, when sold on an f. o. b. basis by the manufacturer to a reseller or when sold by the manufacturer or a reseller to an ultimate consumer or user, shall be as follows:

| Size | Length | Manu- facturer to reseller | Manufacturer or reseller to ultimate consumer or user | |
|-----------|--------|----------------------------------|--|---------|
| | | | Per 1,000 | Per 100 |
| ¾" x 1½" | 12 | \$19.60 | \$25.25 | \$2.75 |
| | 14 | 20.25 | 27.00 | 2.95 |
| | 16 | 21.50 | 28.50 | 3.15 |
| | 18 | 22.75 | 30.25 | 3.30 |
| 1¼" x 1¾" | 24 | 26.50 | 35.25 | 3.85 |
| | 14 | 18.25 | 24.25 | 2.65 |
| | 16 | 19.25 | 25.50 | 2.80 |
| | 18 | 20.25 | 27.00 | 2.95 |
| 1¾" x 1¾" | 18 | 24.25 | 32.25 | 3.55 |
| | 24 | 28.50 | 38.00 | 4.20 |
| | 30 | 32.50 | 43.25 | 4.75 |
| | 12 | 26.50 | 35.25 | 3.90 |
| 1½" x 1½" | 18 | 34.00 | 45.25 | 5.00 |
| | 24 | 41.50 | 55.25 | 6.10 |
| | 30 | 49.00 | 65.25 | 7.20 |

Note: (1) If survey stakes are of a size and length different from those hereinabove specified, the maximum price therefor will be the specified price for the next larger size or longer length stake.

(2) A reseller may, in addition to the maximum prices hereinabove specified, collect from the buyer the amount of freight or transportation costs actually incurred and paid by him, provided he separately shows the same in itemized form on his invoice.

(c) *Customary discounts and allowances must be maintained.* Any person selling survey stakes in accordance with this Order No. G-58 shall maintain and continue to give all trade discounts, allowances, and differentials which have heretofore been customarily given by him.

(d) *Applicability of other regulations.* Except to the extent of the price changes and transportation allowances made by this Order No. G-58, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and continue to be applicable to all persons selling survey stakes covered by this order.

(e) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violation 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.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This Order No. G-58 shall become effective on the 4th day of May, 1945.

Issued this 4th day of May 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-8606; Filed, May 21, 1945; 4:42 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-867]

ENGINEERS PUBLIC SERVICE CO.

ORDER PERMITTING WITHDRAWAL AND RESCINDING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of May 1945.

Engineers Public Service Company, a registered holding company, having heretofore filed a declaration regarding the expenditure of not more than \$4,000,000 for the reacquisition of its outstanding preferred stocks from the public by open market purchases or private purchase; and

The Commission having on April 14, 1944 issued its order permitting the declaration to become effective in respect to the reacquisition of said preferred stocks, which order imposed certain terms and conditions including the condition that no purchases be made after four months from the date of the order, subject, however, to the right of Engineers Public Service Company to apply for an extension or extensions of this period; and Engineers Public Service Company having expended \$2,532,099 for the reacquisition of its outstanding preferred stocks as of August 14, 1944 and

Engineers Public Service Company having filed on July 22, 1944 post-amendment No. 1 to its declaration requesting an extension of four months to December 14, 1944 of the time within which to complete the expenditure of the balance of the \$4,000,000 for the reacquisition of its outstanding preferred stocks; and

The Commission on July 21, 1944 having issued its order extending the period within which purchases might be made for an additional period of four months to December 14, 1944; and

Engineers Public Service Company on November 30, 1944 having filed post-amendment No. 2 to its declaration requesting an extension of four months to April 14, 1945 of the time within which to complete the expenditure of the balance of the \$4,000,000 for the reacquisition of its outstanding preferred stocks; and

The Commission on December 9, 1944 having extended the period within which

purchases might be made pending final determination of the issues presented by post-amendment No. 2, which issues were set down for hearing but have not yet been disposed of; and

Engineers Public Service Company on May 12, 1945 having filed post-amendment No. 3 setting forth that no shares have been acquired in addition to those purchased under the authorization contained in the Commission's order of April 14, 1944 because market prices of the preferred shares have been in excess of the maximum purchase price proposed by Engineers Public Service Company, and requesting that post-amendment No. 2 be withdrawn and the Commission's order of December 9, 1944 be rescinded; and

It appearing appropriate in the public interest and the interest of investors and consumers that the request of Engineers Public Service Company be granted.

It is ordered, That post-amendment No. 2 be, and it hereby is, withdrawn and that the Commission's order of December 9, 1944 be, and it hereby is, rescinded.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8729; Filed, May 23, 1945;
2:32 p. m.]

[File No. 70-1019]

CITIES SERVICE POWER & LIGHT CO.
ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of May 1945.

Cities Service Power & Light Company, a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder regarding the sale by its indirect subsidiary, Marion-Reserve Power Company of all of the electric light and power properties owned by the Marion-Reserve Power Company located in the counties of Van Wert, Mercer, Darke, Preble, Auglaize, Shelby, Hardin, Logan, Champaign and Clark, Ohio, and certain of its public utility properties located in Union and Delaware counties in the State of Ohio to Dayton Power & Light Company for a basic cash consideration of \$7,950,000; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That said declaration is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8726; Filed, May 23, 1945;
2:32 p. m.]

No. 104—10

[File No. 70-1073]

NEW BEDFORD GAS AND EDISON LIGHT CO.
ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of May 1945.

New Bedford Gas and Edison Light Company ("New Bedford"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof, of the issue and sale of its notes payable to The First National Bank of Boston in amounts not exceeding in the aggregate \$1,000,000, such notes to be issued and dated prior to December 31, 1945, in such denominations as the company shall elect at the time of issue, to mature not earlier than June 30, 1949 and not later than June 30, 1950, and to bear interest at a rate not exceeding 2¼%; and

The issue and sale of such notes having been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts by an order dated March 19, 1945, and being for the purpose of paying off the present indebtedness of New Bedford to The First National Bank of Boston represented by notes maturing on June 30, 1945 aggregating \$750,000, and for proposed extensions, additions and betterments to the plant and property of New Bedford; and

Said application having been filed on April 27, 1945, and notice of such filing having been duly given in the manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application under section 6 (b) of the act that the requirements of said section have been satisfied:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application pursuant to section 6 (b) of the Act be and hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL DuBOIS,
Secretary.

[F. R. Doc. 45-8730; Filed, May 23, 1945;
2:33 p. m.]

[File Nos. 70-1087, 70-1088]

ASSOCIATED ELECTRIC CO., ET AL.
NOTICE OF FILING AND ORDER FOR HEARING
AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of May 1945.

In the matter of Associated Electric Company, Pennsylvania Electric Com-

pany, File No. 70-1087; Consolidated Natural Gas Company, the Peoples Natural Gas Company, File No. 70-1088.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Associated Electric Company ("Aelec"), a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, also a registered holding company, and by Pennsylvania Electric Company ("Penelec"), a subsidiary of Aelec;

Notice is further given that a joint declaration or application (or both) has also been filed by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and The Peoples Natural Gas Company ("Peoples"), a subsidiary thereof.

All interested persons are referred to such documents which are on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Penelec proposes to sell to Peoples all of its natural gas properties and related assets used in and relating to the distribution of natural gas in the City of Johnstown, Pennsylvania, and in certain adjacent boroughs and townships in Cambria County, Pennsylvania, for a base consideration of \$1,194,825.98 in cash subject to certain adjustments from December 1, 1944.

Peoples proposes to issue and sell to Consolidated and Consolidated proposes to purchase and acquire 30,000 shares of capital stock of Peoples, of the par value of \$100 per share, for \$3,000,000 in cash. Peoples proposes to use the proceeds in part to acquire all of the natural gas properties of Penelec as described above and the balance to augment its working capital and finance its budgeted additions, replacements and improvements.

Declarants and applicants have designated section 6 (b), 10 (a), 12 (d) and 12 (f) as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing that all of the foregoing matters are related and involve common questions of law and fact, and that evidence offered in respect of each of such matters may have a bearing on the others, and that substantial savings of time, effort, and expense will result if the hearings in said matters are consolidated;

It is hereby ordered, That the proceedings in respect of the foregoing matters be consolidated for hearing and that a hearing in such consolidated proceedings under the applicable provisions of said act and the rules of the Commission promulgated thereunder be held on June 5, 1945 at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets,

Philadelphia 3, Pennsylvania, at which time the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Any person desiring to be heard in such proceeding shall file with the Commission, on or before May 31, 1945, his request therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration for the proposed sale of the natural gas properties and related assets of Penelec is fair and reasonable;
2. Whether the proposed issue and sale of capital stock by Peoples are solely for the purpose of financing its business, and whether it is appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions in connection therewith;
3. Whether the proposed acquisition by Peoples of the natural gas properties of Penelec is exempt from the provisions of the act, or, if not, whether such proposed acquisition conforms to the applicable statutory standards;
4. Whether the proposed acquisition by Consolidated and the sale by Peoples of its capital stock satisfies the applicable standards of the act;
5. The propriety of the accounting treatment to reflect the proposed transactions on the books of applicants-declarants; and
6. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors or consumers and consistent with all applicable requirements of the act and of the rules thereunder, or, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of such hearing be given to declarants and applicants, and to all other interested persons; said notice to be given to declarants and applicants by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and

mailed to persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters included in these proceedings, or to consolidate with these proceedings other filings or matters pertaining thereto, or to take such other action as may appear necessary to an orderly, prompt and economical disposition of the issues and matters involved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-8728; Filed, May 23, 1945;
2:32 p. m.]

SURPLUS PROPERTY BOARD

[Special Order 9]

DEPARTMENT OF COMMERCE

EXEMPTION FROM PRIORITIES OF GOVERNMENT AGENCIES AND STATE OR LOCAL GOVERNMENTS

The Department of Commerce has applied to the Surplus Property Board for an exemption from Surplus Property Board Regulation No. 2, entitled "Priorities of Government Agencies and State or Local Governments," effective May 25, 1945, (Title 32, Chapter XXIII, Part 8302, 10 F.R. 5104) with regard to certain sales of surplus property announced prior to May 15, 1945. This order is issued in reliance upon representations by the Department of Commerce that if orders are received from Government agencies and State or local governments for property subject to the foregoing sales, it will make every reasonable effort to fill such orders from like property which the Department of Commerce may have in other inventories or may acquire in the future.

It is hereby ordered, That:

The Department of Commerce is hereby exempted from Surplus Property Board Regulation No. 2 with regard to

(a) Agricultural machinery and implements, construction and maintenance equipment and machinery, tractors, machinery (portable roadworking and repairing), advertised on or before May 25, 1945, for disposal at sales which were announced on or prior to May 15, 1945; and

(b) All other property listed in Exhibit A to Surplus Property Board Regulation No. 2 for which the Department of Commerce is the disposal agency, announcement of the sale of which shall have been made on or before May 15, 1945.

This order shall become effective on May 25, 1945.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

MAY 22, 1945.

[F. R. Doc. 45-8761; Filed, May 24, 1945;
11:01 a. m.]

[Special Order 10]

ALUMINUM ORE CO.

EXCEPTION TO PRICE POLICY FOR DISPOSAL OF WRECKED AIRCRAFT SCRAP

Regulation No. 5 of the Surplus War Property Administration, issued on October 2, 1944 (9 F.R. 12098), provides generally that Government-owned aluminum scrap shall not be sold below certain specified minimum prices. The minimum price specified for wrecked aircraft is one and one-quarter (1¼) cents per pound, f. o. b. shipping point.

The Army Air Forces have recommended to the Board that 500,000 pounds of wrecked aircraft scrap be sold to Aluminum Ore Company, at the price of one and one-quarter (1¼) cents per pound, f. o. b. the company's plant at East St. Louis, Illinois, for use in experiments by the company in the salvaging of aluminum scrap from wrecked aircraft. The Army Air Forces have represented to the Board that these experiments will require up to 500,000 pounds of wrecked aircraft scrap to develop necessary information about the salvaging process.

Pursuant to the authority of the Surplus Property Act of 1944 (Pub. Law 457, 78th Cong., 2d Sess.; 58 Stat. 765), *It is hereby ordered*, That the Army Air Forces are authorized to sell to Aluminum Ore Company 500,000 pounds of wrecked aircraft aluminum scrap at the price of one and one-quarter (1¼) cents per pound, f. o. b. the company's plant at East St. Louis, Illinois, for use in experiments by that company in the salvaging of aluminum scrap from wrecked aircraft.

This order is subject to the conditions that qualified representatives of the Army Air Forces or other Government agencies observe the foregoing experiments and that a full and complete analysis and record of the experiments be filed with the Board and held available for public inspection.

This order shall become effective upon publication in the FEDERAL REGISTER.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

MAY 22, 1945.

[F. R. Doc. 45-8762; Filed, May 24, 1945;
11:00 a. m.]