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The President

PROCLAMATION 2655

REMOVAL OF ALIEN ENEMIES

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS section 4067 of the Revised Statutes of the United States (50 U.S.C. 21) provides:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;

WHEREAS sections 4068, 4069, and 4070 of the Revised Statutes of the United States (50 U.S.C. 22, 23, 24) make further provision relative to alien enemies;

WHEREAS the Congress by joint resolutions approved by the President on December 8 and 11, 1941, and June 5, 1942, declared the existence of a state of war between the United States and the Governments of Japan, Germany, Italy, Bulgaria, Hungary, and Rumania;

WHEREAS by Proclamation No. 2525 of December 7, 1941, Proclamations Nos. 2526 and 2527 of December 8, 1941, Proclamation No. 2533 of December 29, 1941, Proclamation No. 2537 of January 14, 1942, and Proclamation No. 2563 of July 17, 1942, the President prescribed

The Codification Guide, consisting of a numerical list of the parts of the Code of Federal Regulations amended or added by documents appearing in this issue, follows the table of contents.

and proclaimed certain regulations governing the conduct of alien enemies; and WHEREAS I find it necessary in the interest of national defense and public safety to prescribe regulations additional and supplemental to such regulations:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid sections of the Revised Statutes of the United States, do hereby prescribe and proclaim the following regulations, additional and supplemental to those prescribed by the aforesaid proclamations:

All alien enemies now or hereafter interned within the continental limits of the United States pursuant to the aforesaid proclamations of the President of the United States who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States because they have adhered to the aforesaid enemy governments or to the principles of government thereof shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as he may prescribe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14th day of July in the year of our Lord nineteen hundred and [SEAL] forty-five and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 45-13056; Filed, July 18, 1945; 4:29 p. m.]

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book.

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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EXECUTIVE ORDER 9589A

AUTHORIZING THE PETROLEUM ADMINISTRATOR TO TAKE POSSESSION OF AND OPERATE THE BUTADIENE PLANT OPERATED BY SINCLAIR RUBBER, INC., AT HOUSTON, TEXAS

WHEREAS, after an investigation I find and proclaim that the butadiene plant located at Houston, Texas, and owned by Reconstruction Finance Corporation and operated for the account of Reconstruction Finance Corporation (acting by and through its Office of Rubber Reserve) by Sinclair Rubber, Inc. as the lessee in possession pursuant to lease from Reconstruction Finance Corporation (acting through its Office of Defense Plants) is equipped for the production of butadiene for use in the manufacture of synthetic rubber required for the war effort; that there is a real, substantial, and immediate emergency in the form of a threatened interruption of the butadiene plant as a result of a labor disturbance; that the immediacy and extent of the emergency will not permit of further delay without irreparable damage to the war effort; that the war effort will thereby be unduly impeded or delayed for an indefinite period by an interruption however brief; that the productive efficiency of the butadiene plant is impaired by reason of the labor dispute; and that the exercise hereinafter specified, of the powers vested in me is necessary to insure, in the interest of the war effort, the operation of the said butadiene plant:

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 (54 Stat. 892), as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Petroleum Administrator is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the butadiene plant hereinabove described and, to the extent that he may deem necessary, of any real or personal property and other assets, wherever situated, used in connection with the operations thereof; to operate or to arrange for the operation of the butadiene plant in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the Sinclair Rubber, Inc., and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the butadiene plant and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this Order.

2. The Petroleum Administrator shall observe the provisions of the War Labor Disputes Act in the operation of the butadiene plant.

3. The Petroleum Administrator is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the butadiene plant and all persons employed or seeking employment therein, and upon the

request of the Petroleum Administrator, or such person as may be designated to act for him, the Secretary of War shall take such action as may be necessary to provide such protection to such persons and property.

4. All Federal agencies, including, but not limited to, the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Petroleum Administrator to the fullest extent possible in carrying out the purposes of this Order.

5. Possession, control, and operation of any plant or facility, or part thereof, taken under this Order shall be terminated by the Petroleum Administrator within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the threatened interruption of production, referred to in the recitals of this Order, has been restored.

6. The Petroleum Administrator may delegate any and all power, authority, and discretion conferred upon him by this Order to the Deputy Petroleum Administrator. The Petroleum Administrator and Deputy Petroleum Administrator may exercise the powers, authority, and discretion conferred upon them by or under the provisions of this Order through such personnel of the Petroleum Administration for War as they may determine.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 19, 1945.

[F. R. Doc. 45-13080; Filed, July 19, 1945; 10:04 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 304—MILITARY COURT FEES

MILITARY COMMISSION

Amend § 304.1 by adding the following sentence at the end of the section:

§ 304.1 Use of term "court." * * * "Military commission" shall be deemed to include any tribunal, by whatever name described, convened in the exercise of military government having jurisdiction over felonies and other serious offenses and consisting solely of officers of the United States Army. (R.S. 161; 5 U.S.C. 22) [AR 35-4120, as amended by C2, 7 July 1945]

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

Paragraph (c) of § 701.6 pertaining to reenlistment in grade within 20 days from date of discharge, is revoked.

§ 701.6 Grade—(a) Original enlistments. * * *

(c) [Revoked] (41 Stat. 765; 10 U.S.C. 42) [AR 600-750 30 Sep 1942 as amended by Cir. 208, 12 July 1945]

Paragraph (d) (6) of § 709.70 pertaining to Cap, WAC, is revoked.

§ 709.70 Service Uniform; General. (a) Definition of term "Women personnel of the Army" * * *

(d) Distinctive items of uniform. * * *

(6) [Revoked] (R.S. 1296; 10 U.S.C. 1391) [AR 600-37, 16 April 1945, as amended by Cir. 208, 12 July 1945]

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

[F. R. Doc. 45-13081; Filed, July 19, 1945; 9:43 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Distribution Orders

[WFO 75-3, Amdt. 17]

PART 1410—LIVESTOCK AND MEATS

PORK SET ASIDE REDUCTION

War Food Order No. 75-3, as amended (10 F.R. 6499, 7789), is further amended as follows:

1. By deleting the table at the end of paragraph (b) and substituting in lieu thereof the following:

| PERCENTAGE OF LIVE WEIGHT OF HOGS PURCHASED FOR SLAUGHTER | |
|---|-----|
| Type of dressed pork cut or pork product: | |
| Hams | 5.5 |
| Loins | 5 |
| Shoulders and manufacturing pork | 7 |
| Bellies | 3.5 |
| Lard | 5.5 |

2. By deleting the table which appears in Appendix A and substituting in lieu thereof the following:

| Current rate of slaughter (percent of weekly average July 1944) | Percentages of live weight of slaughter | | | | |
|---|---|------|----------------------------------|----------------------------------|-------|
| | Loins | Hams | Square-cuts and seedless bellies | Shoulders and manufacturing pork | Total |
| Less than 50.1 | 4.8 | 4.7 | 3.0 | 5.9 | 17.9 |
| 50.1-55.0 | 4.5 | 5.0 | 3.1 | 6.3 | 18.9 |
| 55.1-60.0 | 4.7 | 5.2 | 3.3 | 6.5 | 19.7 |
| 60.1-65.0 | 4.9 | 5.3 | 3.4 | 6.8 | 20.4 |
| 65.1-80.0 | 5.0 | 5.5 | 3.5 | 7.0 | 21.0 |
| 80.1-85.0 | 5.1 | 5.6 | 3.6 | 7.2 | 21.5 |
| 85.1-90.0 | 5.2 | 5.7 | 3.7 | 7.3 | 21.9 |
| 90.1-95.0 | 5.3 | 5.8 | 3.7 | 7.4 | 22.2 |
| 95.1-100.0 | 5.3 | 5.9 | 3.8 | 7.5 | 22.5 |
| Over 100.0 | 5.4 | 6.0 | 3.8 | 7.6 | 22.8 |
| Slaughterers without July 1944 slaughter history | 5.4 | 6.0 | 3.8 | 7.6 | 22.8 |

3. By deleting the paragraph entitled "Specifications" at the end of Appendix A and substituting in lieu thereof the following:

Not less than 70 percent of all loins set aside shall be converted into semi-boneless (partially boneless) loins.

Not less than 20 percent of all hams set aside shall be processed into overseas hams requiring 96 hours' smoke, and not less than 30 percent of all hams set aside shall be processed into Army hams requiring 48 hours' smoke.

Not less than 60 percent of all square-cuts and seedless bellies set aside shall be processed into overseas bacon requiring 96 hours' smoke, and not less than 20 percent of such square-cuts and seedless bellies shall be proc-

essed into Army bacon requiring 48 hours' smoke.

This amendment shall become effective at 12:01 a. m., e. w. t., July 22, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 75, 10 F.R. 4649)

Issued this 18th day of July 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-13050; Filed, July 18, 1945;
12:36 p. m.]

[WFO 63, Amdt. 3]

PART 1596—FOOD IMPORTS

RESTRICTIONS ON IMPORTS OF CERTAIN FOODS

War Food Order No. 63 (9 F.R. 13280, 14877, 10 F.R. 103) is amended to read as follows:

§1596.1 *Food Imports*—(a) *Definitions*. For the purposes of this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Consignee" means the person to whom a food is consigned at the time of importation.

(2) "Director" means the Director of Supply, United States Department of Agriculture.

(3) "Food" means any item or commodity listed from time to time in attached Appendix A as being subject to this order.

(4) "Governing date" with respect to any food means the date when such food first became subject to War Food Order 63 as shown in the attached Appendix A.

(5) "Import" means to transport in any manner into the continental United States, Puerto Rico, or the Virgin Islands of the United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands of the United States and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands of the United States for transshipment into Canada, Mexico, or any other foreign country.

(6) "In transit" means that food (i) is afloat, (ii) has had an on-board ocean bill of lading actually issued with respect to it, or (iii) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, or the Virgin Islands of the United States.

(7) "Owner" of any food means any person who has any property interest in such food except a person whose interest is held solely as security for the payment of money.

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

(b) *Restrictions on imports*—(1) *General restriction*. No person, except as authorized in writing by the director, shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of any food listed in Appendix A hereof after the governing date. The foregoing restrictions shall apply to the importation of any food listed in Appendix A, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such food.

In the issuance of authorizations, the Director shall act in accordance with the standards and guides set forth in paragraph (c) hereof.

(2) *Application for authorization*. Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the food to be imported, or agent of any of them, shall make application therefor on Form WPB-1041 or such other form as may be issued for this purpose by the Director, addressed to the Director of Supply, United States Department of Agriculture, Washington 25, D. C. Ref: WFO 63. Unless otherwise expressly permitted, such authorization shall apply only to the particular food and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director.

(3) *Use of authorization*. No person holding an import authorization shall use such authorization to import food acquired, purchased, contracted, or arranged for by him prior to the issuance of such authorization, unless the Director specifically in writing permits such use. This restriction shall not apply to food acquired, purchased, contracted, or arranged for prior to the governing date.

(4) *Restrictions on financing*. No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any food subject to this order, unless such bank or person either has received a copy of the authorization by the Director under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (5) and (b) (6).

(5) *Exceptions*. Unless otherwise directed by the Director the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, United States Army, or any other United States Governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To food of which any United States Governmental department, agency, or corporation is the owner at the time of importation, or to any food which any

United States Governmental department, agency, or corporation sells or otherwise transfers to a person at the time of importation; or

(iii) To food which on the governing date was in transit; or

(iv) To food consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00; or

(v) To food consigned as a gift or imported for personal use where the value of each consignment or shipment is less than \$100.00; or

(vi) To food consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) To food grown, produced, or manufactured in the continental United States, or food imported into the United States, which, after being shipped outside the continental United States for storage only, is returned to the United States; or

(viii) To food shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada; or

(ix) To food which is located in, and which has been grown, produced, or manufactured in Canada, Mexico, Guatemala, or El Salvador and transported therefrom into the continental United States overland, by air, or by inland waterway. This exception shall not, however, extend to food which is marked with the designation (1) in Appendix A, attached.

(6) *Imports into Puerto Rico and the Virgin Islands*. (i) The restrictions of this order:

(a) Shall not apply to inter-island shipments of food between Puerto Rico and the Virgin Islands of the United States;

(b) Shall not apply to imports of food into Puerto Rico or the Virgin Islands of the United States from the continental United States;

(c) Shall apply to any shipment of food listed in Appendix A which originates in a foreign country and simply passes through the continental United States en route to Puerto Rico or the Virgin Islands of the United States; and

(d) Except as provided in (c) immediately above, shall apply to imports into Puerto Rico or the Virgin Islands of the United States only with respect to food which is marked with the designation (2) in Appendix A.

(ii) This order shall not affect any regulations now or hereafter issued by any governmental authority covering shipments of food from the continental United States to Puerto Rico and the Virgin Islands of the United States.

(c) *Restrictions after importation*. Unless otherwise provided by the terms of the authorization (or amendments thereof) issued pursuant to paragraph (b) (2), any food which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order; but all such transactions shall be subject to all applicable provisions of the regulations, orders and directions of the United States Department of Agriculture which now or here-

after may be in effect with respect to such food.

(d) *Change of commodities listed in Appendix A.* The Director may from time to time add or remove commodities from Appendix A; *Provided*, That in so doing he shall follow the standards and guides set forth in paragraph (e) below.

(e) *Standards and guides.* In the issuance of authorizations, and in the addition or removal of commodities from Appendix A hereof, the Director shall follow these standards and guides; (1) he shall be satisfied that in the absence of such action the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of materials or facilities for defense or for private account or for export; (2) he shall take into consideration the following factors; the allocation, if any, of such food by the Combined Food Board; the effect of the importation of such food on the procurement of strategic materials; the availability of shipping facilities for the importation of such food; and (3) in the issuance of authorizations, the Director shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group.

(f) *Records and reports.*—(1) *Reports on customs entry.* No food which is imported after the governing date, including food imported by or for the account of the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, United States Army, or any other United States Governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form WFO 63-1. The filing of such form a second time shall not be required upon any subsequent entry of such food through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any

food from bonded custody of the United States Bureau of Customs, regardless of the date when such food was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Director of Supply, United States Department of Agriculture, Washington 25, D. C., Ref.: WFO 63.

(2) *Records and other reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

(g) *Audits and inspections.* The Director shall be entitled to make such audits or inspection of the books, records, and other writings, premises, or stocks of imported foods of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Supply, United States Department of Agriculture, Washington 25, D. C. Ref: WFO 63.

(i) *Revocation.* Any import authorization issued hereunder may be revoked at any time by the Director. Such revocation shall not affect food in transit at the time of revocation.

(j) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making deliveries of, or using any food covered by this order which is subject to allocations or priority control by the Secretary of Agriculture. In addition, any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

The Director may direct the disposition and use of any food which is imported without authorization as required by paragraph (b).

(k) *Unexpired authorizations under M-63.* Authorizations issued by the War Production Board under General Imports Order M-63 for food subject to this order, shall be deemed valid under this order until either their respective expiration date or until July 31, 1945, whichever occurs earlier.

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

(m) *Effect on liability of removal of food from order.* The removal of any food from this order shall not be construed to effect in any way any liability for violations of the order which accrued or were incurred prior to the date of removal.

(n) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t., July 20, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to said date, under War Food Order No. 63, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right, liability or appeal.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 17th day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

APPENDIX A—ITEMS SUBJECT TO WFO 63

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

| Food | Commerce import class No. | Governing date | Food | Commerce import class No. | Governing date |
|--|------------------------------|----------------|--|------------------------------|----------------|
| Alewives and other pickled or salted fish, n. s. p. f. ^{1,2} | 0073.300-0073.900, inc. | Nov. 13, 1944 | Cheese | 0045.100-0046.900, inc. | Nov. 13, 1944 |
| Apples, dried, desiccated, or evaporated ^{1,2} | 1330.010 | Do. | Chickens and guineas: | | |
| Apricots, dried, desiccated, or evaporated | 1330.120 | Do. | Dead, fresh, chilled or frozen, dressed or undressed. ^{1,2,3} | 0025.400 | |
| Argels, tartar and wine lees and crude calcium tartrate. | 8329.000, 8330.000, 8380.013 | Do. | Live | N. S. C. | Do. |
| Babassu nuts and kernels. | 2239.130, 2339.150 | Do. | Prepared or preserved ^{1,2} | N. S. C. | |
| Babassu nut oil | 2257.100 | Do. | Chickpeas and garbanzos, dried ¹ | 1200.000 | Do. |
| Barley | 1020.000 | Do. | Chile, crude and refined or advanced ¹ | 2131.000, 2189.300 | Do. |
| Beans, dried, except fava beans | N. S. C. | Do. | Cinnamon, and chips of, unground | 1526.000 | Do. |
| Beef and veal, pickled or cured ² | 0029.000 | Do. | Cinnamon, and chips of, ground | 1550.030 | Do. |
| Beef, canned, including corned beef ² | 0028.000 | Do. | Clams (except razor clams) and clams in combinations with other substances (except clam chowder) canned. ^{1,2} | 0081.600 | July 20, 1945 |
| Beef, fresh, chilled or frozen ² | 0018.000 | Do. | Clams, razor, canned ^{1,2} | 0081.300 | Do. |
| Beef and mutton tallow—includes oleo stock ² | 0036.000 | Do. | Cocoa beans or cacao beans | 1501.300 | Nov. 13, 1944 |
| Beef and mutton tallow (inedible)—includes oleo stock. | 0815.600 | Do. | Cocoa, unsweetened and sweetened | 1502.100, 1502.300, 1502.900 | Do. |
| Blood, dried n. s. p. f. | 8505.000 | Do. | Cocoanuts, in the shell | 1351.000 | Do. |
| Bones, ground, ash, dust, meal and flour (for feed and fertilizer use) | N. S. C. | Do. | Cocunut meat, shredded and desiccated or similarly prepared | 1379.000 | Do. |
| Brazil or cream nuts | 1356.000, 1357.000 | Do. | Cocunut oil | 2242.500 | Do. |
| Butter | 0044.000 | Do. | Cod, haddock, hake, pollock, and cusk, pickled or salted (except in oil, etc., and in airtight containers, weighing, with contents, not over 15 pounds each). ^{1,2} | 0069.000, 0069.200, 0069.900 | Do. |
| Cacao butter (cocoa butter) | 1420.000 | Do. | Coffee, raw or green, roasted or processed ¹ | 1511.000, 1511.100 | Do. |
| Cassia buds, unground | 1533.000 | Do. | | | |
| Cassia, cassia vera, unground | 1533.100 | Do. | | | |
| Cassia, cassia buds and cassia vera, ground | 1550.070 | Do. | | | |
| Castor beans | 2231.000 | July 20, 1945 | | | |
| Castor oil | 2260.020 | Do. | | | |

See footnotes on following page.

APPENDIX A—ITEMS SUBJECT TO WFO 63—Continued

| Food | Commerce import class No. | Governing date | Food | Commerce import class No. | Governing date |
|--|---------------------------|----------------|--|---------------------------|----------------|
| Cohune nuts and kernels..... | N. S. C. | Nov. 13, 1944 | Nutmegs, ground..... | 1550.110..... | Nov. 13, 1944 |
| Cohune nut oil..... | N. S. C. | Do. | Oats, hulled and unhulled..... | 1041.600..... | Do. |
| Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specially provided for. | 2260.120..... | Do. | Offal, edible ¹ | 0023.600..... | Do. |
| Copra..... | 2232.000..... | Do. | Oil cake and oil cake meal: | | |
| Corn ² | 1031.000..... | Do. | Coconut or copra ¹ | 1111.000..... | Do. |
| Corn, cracked ¹ | 1090.180..... | Do. | Soybean ^{1,2} | 1112.000..... | Do. |
| Corn meal, flour, grits and similar products..... | 1090.190..... | Do. | Cottonseed ¹ | 1114.000..... | Do. |
| Corned beef hash ¹ | 1250.230..... | Do. | Linseed ¹ | 1115.000..... | Do. |
| Cottonseed oil, crude, refined..... | 1423.100, 1423.200..... | Do. | Peanut ^{1,2} | 1119.600..... | Do. |
| Crabmeat, including crab sauce and crab paste, canned, ^{1,2} | 0080.500..... | July 20, 1945 | Hempseed ¹ | 1119.700..... | Do. |
| Canned, ^{1,2} | | | Other, n. s. p. f. ¹ | 1119.900..... | Do. |
| Canned, ^{1,2} | | | Oleo oil ¹ | 0036.200..... | Do. |
| Canned, ^{1,2} | | | Oleo stearin ² | 0036.300..... | Do. |
| Canned, ^{1,2} | | | Ouricury (uricury) nuts and kernels..... | 2239.610, 2239.620..... | Do. |
| Canned, ^{1,2} | | | Ouricury (uricury) oil, inedible and edible..... | 2257.800, 2257.830..... | Do. |
| Canned, ^{1,2} | | | Oysters, canned, ^{1,2} | 0081.100..... | July 20, 1945 |
| Canned, ^{1,2} | | | Palm kernel oil..... | 2248.000..... | Nov. 13, 1944 |
| Canned, ^{1,2} | | | Palm nut kernels..... | 2236.500..... | Do. |
| Canned, ^{1,2} | | | Palm oil..... | 2243.000..... | Do. |
| Canned, ^{1,2} | | | Peanut (ground nut) oil ¹ | 1330.620..... | Do. |
| Canned, ^{1,2} | | | Peanuts, shelled or not shelled ¹ | 1427.000..... | Do. |
| Canned, ^{1,2} | | | Pears, dried, desiccated, or evaporated..... | 1367.000, 1368.000..... | Do. |
| Canned, ^{1,2} | | | Peas, dried, desiccated, or evaporated..... | 1330.670..... | Do. |
| Canned, ^{1,2} | | | Peas, dried, ripe and split..... | 1197.000, 1198.600..... | Do. |
| Canned, ^{1,2} | | | Pepper, black or white, unground..... | 1541.000, 1542.000..... | Do. |
| Canned, ^{1,2} | | | Pork: ¹ | | |
| Canned, ^{1,2} | | | Fresh or chilled..... | 0020.100..... | Do. |
| Canned, ^{1,2} | | | Frozen..... | 0020.500..... | Do. |
| Canned, ^{1,2} | | | Pork, hams; shoulders, bacon, sausage; prepared, cooked, boned, canned, etc. ² | 0030.900, 0031.900..... | Do. |
| Canned, ^{1,2} | | | Prunes, prunelles, and plums: | | |
| Canned, ^{1,2} | | | Dried, desiccated, or evaporated..... | 1330.540..... | Do. |
| Canned, ^{1,2} | | | Otherwise prepared or preserved, n. s. p. f..... | 1330.550..... | Do. |
| Canned, ^{1,2} | | | Raisins: | | |
| Canned, ^{1,2} | | | Made from seedless grapes..... | 1319.100..... | Do. |
| Canned, ^{1,2} | | | Other..... | 1319.200..... | Do. |
| Canned, ^{1,2} | | | Rapeseed ¹ | 2237.000..... | Do. |
| Canned, ^{1,2} | | | Rapeseed oil, denatured and not denatured ¹ | 2240.000, 2253.000..... | Do. |
| Canned, ^{1,2} | | | Rice: | | |
| Canned, ^{1,2} | | | Paddy..... | 1051.000..... | Do. |
| Canned, ^{1,2} | | | Uncleaned or brown rice..... | 1051.100..... | Do. |
| Canned, ^{1,2} | | | Cleaned or milled rice..... | 1053.000..... | Do. |
| Canned, ^{1,2} | | | Patna rice, cleaned, for use in canned soups..... | 1054.000..... | Do. |
| Canned, ^{1,2} | | | Rice meal, flour, polish and bran..... | 1059.100..... | Do. |
| Canned, ^{1,2} | | | Broken..... | 1059.200..... | Do. |
| Canned, ^{1,2} | | | Rye..... | 1044.000..... | Do. |
| Canned, ^{1,2} | | | Salmon, canned, not in oil, or in oil and other substances, ^{1,2} | 0067.100..... | Feb. 15, 1945 |
| Canned, ^{1,2} | | | Sardines, in oil or in oil and other substances ² | 0063.200, 0063.300..... | Nov. 13, 1944 |
| Canned, ^{1,2} | | | Sardines and other herring, canned ^{1,2} (including snacks, tidbits, rollmops and sprats). | 0067.700..... | Feb. 15, 1945 |
| Canned, ^{1,2} | | | Sesame oil, edible and inedible ¹ | 1428.200, 2249.000..... | Nov. 13, 1944 |
| Canned, ^{1,2} | | | Sesame seed ¹ | 2234.600..... | Do. |
| Canned, ^{1,2} | | | Soap and soap powder ² | 8711.000, 8719.900, inc. | Do. |
| Canned, ^{1,2} | | | Sugarcane..... | 1610.750-1610.000, inc. | Do. |
| Canned, ^{1,2} | | | Sugar-containing products, composed of 50 percent or more by weight of sugar. ¹ | N. S. C..... | Mar. 15, 1945 |
| Canned, ^{1,2} | | | Sunflower oil, edible and denatured ¹ | 1421.000, 2247.000..... | Nov. 13, 1944 |
| Canned, ^{1,2} | | | Sunflower seed ¹ | 2240.000..... | Do. |
| Canned, ^{1,2} | | | Syrups, molasses, sugar-containing solutions, and sugar mixtures, edible, derived in whole or in part from sugar or sugar cane, irrespective of sugar, invert sugar, or non-sugar content, whether added to or derived from the product, n. e. s. ¹ | N. S. C..... | July 20, 1945 |
| Canned, ^{1,2} | | | Tankage (incl. cracklings, greave cakes, liver meal, meat meal, meat flour, meat scrap, etc.). | 0975.000, 8500.600..... | Nov. 13, 1944 |
| Canned, ^{1,2} | | | Tartaric acid..... | 8207.000..... | Do. |
| Canned, ^{1,2} | | | Tea, not specially provided for..... | 1521.000..... | Do. |
| Canned, ^{1,2} | | | Tuna fish, in oil or oil and other substances. ^{1,2} | 0965.200..... | July 20, 1945 |
| Canned, ^{1,2} | | | Tung oil (China wood oil)..... | 2241.000..... | Nov. 13, 1944 |
| Canned, ^{1,2} | | | Turkeys: | | |
| Canned, ^{1,2} | | | Dead, fresh, chilled or frozen, dressed or undressed, ^{1,2,3} | 0024.000..... | Do. |
| Canned, ^{1,2} | | | Live..... | 0014.000..... | Do. |
| Canned, ^{1,2} | | | Prepared or preserved ^{1,2} | N. S. C..... | Do. |
| Canned, ^{1,2} | | | Veal, fresh, chilled or frozen ¹ | 0019.000..... | Do. |

¹ See paragraph (b) (5) (ix).
² See paragraph (b) (6) (i).
³ Governing date Nov. 13, 1944, except as covered by (b) (5) (ix) for which governing dates are as follows:
 Apples, dried, desiccated or evaporated, Dec. 23, 1944.

Chickens, guineas and turkeys, dead, fresh, chilled or frozen, dressed or undressed. June 15, 1945.
 Prepared or preserved, June 15, 1945.

N. S. C.—No separate class or commodity number has been assigned for the food as described by the Department of Commerce, Statistical Classification of Imports.

[F. R. Doc. 45-13049; Filed, July 18, 1945; 12:36 p. m.]

[WFO 4-10]

PART 1450—TOBACCO

1945 CROP FLUE-CURED TOBACCO

Pursuant to War Food Order No. 4 (8 F.R. 335), issued on January 7, 1943, as amended (8 F.R. 828, 11331, 9 F.R. 4321, 4319, 9584; 10 F.R. 103), and to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1450.16 *Restrictions on 1945 crop flue-cured tobacco*—(1) *Definitions.* (1) "Flue-cured tobacco" means tobacco of Type 11, 12, 13, or 14, as defined in the Official Standard Grades for flue-cured Tobacco, promulgated by the Secretary of Agriculture (7 CFR 29.151 et seq.), pursuant to the Tobacco Inspection Act (7 U. S. C. 511 et seq.).

(2) "Manufacturer" means any person who processes tobacco into a product for

consumer use which is subject to taxation under the Internal Revenue Code (26 U. S. C. 2000-2040).

(3) "Dealer" means any person, other than a manufacturer or warehouseman, who purchased loose leaf tobacco for his account from the 1939, 1940, 1941, or 1942 crop and redried or had redried for his account any part or all of such tobacco.

(4) "Scrap" means any loose, tangled, untied, and unstemmed flue-cured to-

bacco salvaged as a byproduct in harvesting, stripping, classing, or tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very inferior quality leaves not sold at auction by growers, or any loose, untied, and unstemmed flue-cured tobacco consisting entirely of floor sweepings, loose, and tangled leaves, or portions of leaves which accumulate from unavoidable dropping or breakage in the handling of flue-cured tobacco and which consist exclusively of such tobacco salvaged as a byproduct of marketing.

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

(6) "Auction" means the method of selling loose leaf tobacco on the basis of open competitive bidding at a properly designated and publicly announced time and place.

(7) "Loose leaf tobacco" means tobacco in the loose form as customarily delivered from the farm where grown.

(8) "Director" means the Director of Marketing Services, United States Department of Agriculture.

(b) *Restrictions.* (1) No person shall purchase or otherwise acquire any 1945 crop flue-cured tobacco except pursuant to the provisions hereof.

(2) No manufacturer shall purchase any 1945 crop flue-cured tobacco at any private sale or in any manner other than at auction, except as authorized herein.

(3) No dealer shall purchase any 1945 crop flue-cured tobacco at any private sale or in any manner other than at auction, except as authorized herein.

(4) Any person, other than a manufacturer or dealer, may purchase loose leaf tobacco of the 1945 crop of flue-cured tobacco: *Provided*, That such person shall resell such tobacco at auction at or before the close of the marketing season for loose leaf tobacco of the 1945 crop of flue-cured tobacco.

(5) No manufacturer shall, directly or indirectly, purchase or otherwise acquire any 1945 crop flue-cured tobacco which will cause the total amount of such tobacco so acquired by him to exceed 98 percent of the total number of pounds of flue-cured tobacco, inclusive of scrap, used by such person for manufacturing purposes during the period from July 1, 1944, to June 30, 1945, inclusive.

(6) No manufacturer shall purchase at auction a higher proportion of his total allocation, pursuant to (b) (5) hereof, of 1945 crop flue-cured tobacco than his total purchases at auction of flue-cured tobacco from the crops of 1939, 1940, 1941, and 1942 bore to his total purchases of flue-cured tobacco from such crops.

(7) A manufacturer may purchase redried flue-cured tobacco of the 1945 crop: *Provided*, That the total quantity of such tobacco so acquired does not constitute a higher proportion of his total allocation, pursuant to (b) (5) hereof, than his total acquisition of redried flue-cured tobacco from the crops of 1939, 1940, 1941, and 1942 bore to his total acquisitions of flue-cured tobacco of such crops.

(8) No dealer shall purchase at auction for his own account a total quantity of 1945 crop flue-cured tobacco which is in excess of 95 percent of the amount which was allocated to such dealer pursuant to the provisions of War Food Order No. 4.7 (9 F.R. 8231), as amended on August 19, 1944 (9 F.R. 10147), September 23, 1944 (9 F.R. 11732), October 25, 1944 (9 F.R. 12861), and November 16, 1944 (9 F.R. 13740), respectively.

(9) Any person, other than a manufacturer, may, without regard to the provisions hereof, purchase any redried flue-cured tobacco of the 1945 crop if such tobacco, prior to its being redried, was purchased pursuant hereto.

(10) A manufacturer or dealer may resell at auction any flue-cured tobacco of the 1945 crop purchased at auction: *Provided*, That the aggregate amount of such resales may not exceed 2 percent of such purchases. The flue-cured tobacco purchased and resold at auction, within the aforesaid limitation, shall not be charged to the allocation of the seller.

(11) Purchases of the 1945 crop flue-cured scrap tobacco by a dealer shall not be charged against such dealer's allocation, pursuant to (b) (8) hereof, but purchases of 1945 crop flue-cured scrap tobacco by a manufacturer shall be charged to such manufacturer's allocation, pursuant to (b) (5) hereof.

(12) Any 1945 crop flue-cured tobacco purchased in conformity with an agreement to buy for a principal, either in the principal's name or for his account, shall be charged to the quota of the principal for whom such flue-cured tobacco was purchased.

(13) The poundage figures used in computing allocations pursuant hereto shall be reduced to an undried (green weight) basis. Flue-cured tobacco in the steam-dried condition and in unstemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.12. Flue-cured tobacco in the steam-dried condition and in stemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.44.

(14) The restrictions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of 1945 crop flue-cured tobacco made prior to the effective time hereof; and purchases or sales of 1945 crop flue-cured tobacco, made prior to the effective time hereof, shall be charged to the respective quotas in accordance with the provisions hereof, as if such sales were made after the effective time of this order.

(15) Flue-cured tobacco of the 1945 crop may, from time to time, be allocated by the Director for purchase by the Commodity Credit Corporation.

(c) *Modification and amendment.* Any allocation made pursuant hereto may be modified, amended, or supplemented, from time to time, by notice or letter, issued by the Director, to any person to whom such allocation has been made.

(d) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable pro-

cedure, be prohibited from receiving, making any deliveries of, or using any flue-cured tobacco of the 1945 crop. Any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(e) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 19, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087, WFO 4, as amended, 8 F.R. 335, 11331, 9 F.R. 4321, 4319, 9584; 10 F.R. 103)

Issued this 18th day of July 1945.

[SEAL] C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-13053; Filed, July 18, 1945;
3:38 p. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

Effective September 1, 1945, § 206.17 of this part (relating to common trust funds) is amended in the following respects:

The third paragraph of paragraph (a) is amended to read as follows:

The purpose of this section is to permit the use of common trust funds, as defined in section 169 of the Internal Revenue Code, for the investment of funds held for true fiduciary purposes; and the operation of such common trust funds as investment trusts for other than strictly fiduciary purposes is hereby prohibited. No bank administering a common trust fund shall issue any document evidencing a direct or indirect interest in such common trust fund in any form which purports to be negotiable or assignable. The trust investment committee of a bank operating a common trust fund shall not permit any funds of any trust to be invested in a common trust fund if it has reason to believe that such trust was not created or is not being used for bona fide fiduciary purposes. A bank administering a common trust fund shall not, in soliciting business or otherwise, publish or make representations which are inconsistent with this paragraph or the other provisions of this part and, subject to the applicable requirements of the laws of any State, shall not advertise or publicize the earnings realized on any common trust fund or the value of the assets thereof.

The second paragraph of paragraph (c) (3) is amended to read as follows:

The bank shall, without charge, send a copy of the latest report of such audit annually to each person to whom a regular periodic accounting of the trusts participating in the common trust fund ordinarily would be rendered or shall send

advice to each such person annually that the report is available and that a copy will be furnished without charge upon request. Except as may be required by the applicable laws of any State, the bank shall not publish or authorize the publication of any such report or the information contained therein and each copy furnished to any person as herein provided must bear a statement to the effect that the publication of such copy or the information contained therein is unauthorized.

Paragraph (c) (4) is amended to read as follows:

(4) *Value of assets to be determined periodically.* Not less frequently than once during each period of three months the trust investment committee of a bank administering a common trust fund shall determine the value of the assets in the common trust fund as of the dates which the Plan provides for the valuation of assets. No participation shall be admitted to or withdrawn from the common trust fund except (1) on the basis of such valuation and (2) as of such a valuation date. A reasonable period, not to exceed 7 days, following each valuation date may be used to make the computations necessary to determine the value of the fund and of the participations therein. No participation shall be admitted to or withdrawn from the common trust fund unless a written request for or notice of intention of taking such action shall have been entered in the records of the bank and approved by the trust investment committee, on or before the valuation date. No such request or notice may be canceled or countermanded after the valuation date.

The first paragraph of paragraph (c) (5) is amended to read as follows:

(5) *Miscellaneous limitations.* No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having invested in the aggregate in the common trust fund an amount in excess of 10 per cent of the value of the assets of the common trust fund at the time of investment, as determined by the trust investment committee, or the sum of \$50,000, whichever is less. If the bank administers more than one common trust fund under this subsection, no investment shall be made which would cause any one trust to have invested in the aggregate in all such common trust funds an amount in excess of the sum of \$50,000; and, if the bank administers funds under both paragraphs (c) and (d) of this section, no investment shall be made which would cause any one trust to have invested in the aggregate in all such funds an amount in excess of the sum of \$50,000. In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

The first paragraph of paragraph (d) (4) is amended to read as follows:

(4) *Value of assets to be determined periodically.* Not less frequently than

once during each period of three months the trust investment committee of a bank administering a mortgage investment fund shall determine the value of the assets in the mortgage investment fund as of the dates which the plan provides for the valuation of assets. No participation shall be admitted to or withdrawn from the mortgage investment fund except as of such a valuation date. A reasonable period, not to exceed 7 days, following each valuation date may be used to make the computations necessary to determine the value of the fund and of the participations therein. No participation shall be admitted to or withdrawn from the mortgage investment fund unless, on the basis of such valuation, the value of the assets of the mortgage investment fund, exclusive of accrued income, is at least equal to the amount of the outstanding participations. No participation shall be admitted to or withdrawn from the mortgage investment fund unless a written request for or notice of intention of taking such action shall have been entered in the records of the bank and approved by the trust investment committee, on or before the valuation date. No such request or notice may be canceled or countermanded after the valuation date.

The first paragraph of paragraph (d) (5) is amended to read as follows:

(5) *Miscellaneous limitations.* No funds of any trust shall be invested in a participation in a mortgage investment fund if such investment would result in such trust having invested in the aggregate in the mortgage investment fund an amount in excess of the sum of \$1,200 or 2 per cent of the amount of the outstanding participations in the mortgage investment fund, whichever is greater at the time of investment, or in any event in excess of the sum of \$10,000. If the bank administers more than one mortgage investment fund, no investment shall be made which would cause any one trust to have invested in the aggregate in all such mortgage investment funds an amount in excess of the sum of \$10,000; and, if the bank administers funds under both paragraphs (c) and (d) of this section, no investment shall be made which would cause any one trust to have invested in the aggregate in all such funds an amount in excess of the sum of \$50,000. In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

(Sec. 11 (i), 38 Stat. 262; sec. 2, 40 Stat. 968; 46 Stat. 814; sec. 342, 49 Stat. 722; sec. 1, 40 Stat. 1043; 44 Stat. 1224; sec. 24, 48 Stat. 190; secs. 330, 331, 49 Stat. 718, 719; sec. 169, 49 Stat. 1708; secs. 2, 3, 24 Stat. 18; 12 U.S.C. 248 (i), 12 U.S.C. 248 (k) and Sup., 33, 34a, 26 U.S.C., Sup., 169, 12 U.S.C. 30, 31)

[SEAL]

S. R. CARPENTER,
Secretary.

[F. R. Doc. 45-13083; Filed, July 19, 1945;
9:43 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter. VI—Solid Fuels Administration for War

[SFAW Reg. 31, Statement]

PART 602—GENERAL ORDERS AND DIRECTIVES STATEMENT CONCERNING OVERSEAS EXPORT OF SOLID FUEL IN CARGO

It appears the clarification is necessary with respect to the proper interpretation of provisions of SFAW Regulation No. 31, controlling the export overseas of solid fuel in cargo.

As is indicated in § 602.850 (c) of the regulation, the regulation controls all movement off shore of solid fuel from any port in the continental United States to any port outside of the continental United States. Accordingly, coal moving by tidewater from ports in the United States to ports in the Dominion of Canada is subject to the regulation while coal moving to Canadian destinations via the Great Lakes, by car ferry routes, or by rail is not subject to the regulation. Coal moving by tidewater from ports in the United States to ports in Cuba, Mexico, Alaska, the Canal Zone, the Virgin Islands or Puerto Rico, is subject to the regulation. Coal moving by car ferry to Cuba is considered an export movement and is subject to the regulation.

The regulation requires SFAW approval before any solid fuel is exported overseas or made available for export overseas in cargo. The regulation does not require SFAW approval when coal is loaded into a vessel at a port in the United States for bunker use by the vessel into which it is loaded. SFAW Order No. 3, as amended, controls the dumping of coal for bunker or vessel fuel use.

Issued this 18th day of July 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator
for War.

[F. D. Doc. 45-13129; Filed, July 19, 1945;
11:50 a. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO ALL SHIPPERS AND INDUSTRIAL CONSUMERS OF COAL PRODUCED IN DIS- TRICTS 9, 10 AND 11.

To effectuate a fair distribution of the available production of coal produced during the month of August 1945 in Districts 9, 10 and 11, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) All shippers of coal produced in Districts 9, 10 or 11 are prohibited from shipping during the month of August 1945 to any industrial consumer subject to the provisions of SFAW Regulation No. 27 more coal than such industrial consumer is permitted to receive under the provisions of paragraph (2) below.

(2) Notwithstanding the provisions of § 602.715 (d) of SFAW Regulation No. 27, as amended, an industrial consumer of coal whose days' supply exceeds 60 days is prohibited from receiving during the month of August 1945, coal produced in District 9 or 11, or both, in an amount greater than 100 per cent of his consumption requirements for

such month, without first obtaining permission from the SFAW Area Distribution Manager for the district in which the coal is produced; an industrial consumer whose days' supply exceeds 30 days is prohibited from receiving during the month of August 1945, coal produced in District 10 in an amount greater than 100 per cent of his consumption requirements for such month, without first obtaining permission from the SFAW Area Distribution Manager for the district in which the coal is produced. An industrial consumer receiving coal from District 10 and from District 9 or 11, or both, is prohibited from receiving more coal in the aggregate during the month of August 1945, than he is permitted to receive from District 9 or 11, or both, and he is further prohibited from receiving from District 10 more coal than he would be permitted to receive if he purchased coal only from that district.

(3) No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 18th day of July 1945.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 45-13128; Filed, July 19, 1945;
11:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 298]

EMPLOYER'S REPORT

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 59-A, entitled "Employer's Report."

The foregoing addition shall become a part of the Selective Service Regulations effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the Continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JUNE 22, 1945.

[F. R. Doc. 45-13051; Filed, June 18, 1945;
12:56 p. m.]

No. 144—2

[No. 299]

WITHDRAWAL OF CERTIFICATION

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 412, entitled "Withdrawal of Certification."

The foregoing addition shall become a part of the Selective Service Regulations effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the Continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 3, 1945.

[F. R. Doc. 45-13052; Filed, July 18, 1945;
12:56 p. 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 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Revocation of Direction 16]

RATINGS FOR WORK GLOVES AND MEN'S AND BOYS' WORK CLOTHING

Direction 16 to Order M-317 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction. This direction is superseded by Schedules F and G to Order M-328B.

Issued this 17th day of July 1945.

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

[F. R. Doc. 45-12998; Filed, July 17, 1945;
4:47 p. m.]

PART 927—NICKEL

[Conservation Order M-6-b, and Direction 1, Revocation]

NICKEL

Section 927.3 Conservation Order M-6-b and Direction 1 are revoked. This revocation does not affect any liabilities incurred for violation of the order and direction or actions taken by the War Production Board under the order and direction. The use of nickel and its sale and delivery remain subject to all other applicable orders and regulations of the War Production Board.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13094; Filed, July 19, 1945;
11:45 a. m.]

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

[Priorities Reg. 1, Direction 7 as Amended July 19, 1945]

ADDITIONAL EXCEPTION FROM INVENTORY RESTRICTIONS FOR CONTINUING RECEIPTS OF SPECIAL ITEMS AFTER CONTRACT CUT-BACKS

Direction 7 to Priorities Regulation 1 is amended to read as follows:

(a) Purpose. Where a contract or subcontract has been modified (not terminated) so as to reduce the rate of delivery under it, and the contractor or subcontractor as a result has an excess inventory of any special item (as defined in paragraph (d) (2) of § 944.14 of Priorities Regulation 1), his inability to receive further deliveries of it until the excess is consumed might have a serious effect on war procurement. The customer can accept special items which the supplier has in stock or in production as permitted in that paragraph (d) (2). This direction tells how additional deliveries of special items can be accepted by the customer in excess of inventory limitations.

(b) Scope. This direction applies only where the customer is a prime or subcontractor under a contract which has been modified (not terminated) by the Army, Navy, Maritime Commission, War Shipping Administration, Army Air Forces or Bureau of Aeronautics, and permits the customer to accept continuing deliveries only as permitted under paragraphs (c) and (d).

(c) Inventory exceptions.—(1) Six-months permission. The customer may continue to accept delivery at a reduced rate of any special item required for use in the contract or subcontract where (1) the supplier notifies the customer in writing that to the best of his knowledge and belief he will be unable to resume shipments at a later date as required by the contract or subcontract if he is not permitted to make the continued deliveries, and (2) such deliveries are rescheduled so as to bring the customer's inventory down to the limits required by § 944.14 of Priorities Regulation 1 within six months.

(2) Permission from procuring agency. If the six-month requirement of paragraph (c) (1) cannot be met, the customer may nevertheless continue to accept delivery of special items, provided the deliveries are rescheduled at the lowest practicable rate and have been approved in writing to the customer by the procuring agency.

(d) General limitation on receipts and use. No amounts of special items may be received under this direction which exceed the customer's total requirements under the particular contract or subcontract after taking into consideration the amounts of the item presently on hand. In addition, any quantities of an item so received may be used only in filling the particular contract or subcontract, and if it is subsequently cancelled, further deliveries may be received only as permitted by paragraph (d) of § 944.14 of Priorities Regulation 1.

(e) Exceptions relate to receipts only. Nothing in this direction or any other exceptions to War Production Board inventory restrictions on receipts permits a supplier to

continue to produce or deliver in violation of any applicable WPB order or regulation.

(f) *Controlled materials.* Similar rules on controlled materials are explained in Inventory Direction 23 to CMP Regulation 2.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13103; Filed, July 19, 1945;
11:47 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS¹

[General Imports Order M-63, as Amended July 19, 1945]

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

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this order:

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

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

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

(7) "Governing date" with respect to any material means the date when such

material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials*—(1) *General restriction.* No person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon Lists A and B attached hereto.

(2) *Authorization by War Production Board.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form WPB-1041 addressed to the War Production Board Ref: M-63, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the War Production Board, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) [Deleted Mar. 30, 1944]

(v) To any material consigned as a gift or imported for personal use where the value of each consignment or shipment is less than \$100.00; or to any material consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00; or to any used material in the category of household goods imported by the owner for his own personal use; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) [Deleted Nov. 13, 1944.]

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) To materials shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada.

(xi) To materials on List B which are located in, and are the growth, production, or manufacture of, and are transported into the Continental United States overland, by air, or by inland waterway from Canada, Mexico, Guatemala or El Salvador.

(c) [Deleted June 4, 1945.]

(d) [Deleted June 4, 1945.]

(e) *Restrictions on distribution of List A and List B materials.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List A or List B which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the War Production Board which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form WPB-1040 in duplicate except in the case of a material described in paragraph (b) (4) (xi) when the person making the entry need not file with the entry Form WPB-1040. The filing of

¹ Certain food items formerly on Lists I, II, and III are now subject to import control in accordance with War Food Administration Order 63.

such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M-63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(3) *Exceptions.* The provisions of this paragraph (f) shall not apply to materials imported and consigned as gifts for personal use by or to members of the Armed Services of the United States.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington 25, D. C. Ref.; M-63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority assistance. In addition, the War Production Board may direct the disposition and use of any material which is imported without authorization as required by paragraph (b).

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

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

Issued this 19th day of July 1945.

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

LIST A

NOTE: List Amended July 19, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

| Material | Com- merce Import Class No. | Govern- ing date |
|---|--|--|
| Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and bagasse waste) | N. S. C. | 8/5/43 |
| Agave manufactures and semi-manufactures: | | |
| Sisal cordage, including cables, tarred or untarred composed of 3 or more strands, each strand composed of 2 or more yarns | 3417.010 3417.110 | 1/15/43 1/18/43 |
| Carpet yarns of agave, dyed or undyed | N. S. C. | 7/21/42 |
| Cordage of agave fibers, other than sisal | N. S. C. | 1/18/43 |
| Cords and twines of agave fibers | N. S. C. | 1/18/43 |
| Fabrics woven of agave fibers | N. S. C. | 9/11/42 |
| Other manufactures (including all products in whole or in part of agave fibers) | N. S. C. | 1/18/43 |
| Alpargatas | 0369.500 | 6/28/43 |
| Bones, crude | 0911.200 | 7/2/42 |
| Brazilian pebble (quartz crystals) unmanufactured | 5120.600 | 10/6/42 |
| Brazilian pebble (quartz crystal) manufactured and semi-manufactured in blanks, slabs, bars, etc. | N. S. C. | 10/6/42 |
| Bristles, hog and pig | 0617.000 0979.100 | 3/14/42 3/14/42 |
| Broomcorn | 2936.000 | 11/23/42 |
| Brushes, n. s. p. f.: | | |
| Paint brushes (including artists) | 9715.100 | 9/23/43 |
| Other (except toilet brushes and hair pencils) | 9715.900 | 9/23/43 |
| Cattle, ox, and calf tail hair including switches | 3696.100 | 7/2/42 |
| Chrome ore (Chromite) | 6213.100 6213.300 6213.500 | 12/28/41 12/28/41 12/28/41 |
| Cinchona bark or other bark from which quinine may be extracted | 2201.000 | 5/22/42 |
| Coir yarn and coir manufactures: | | |
| Coir yarn | 3420.000 | 11/23/42 |
| Matting and articles of cocoa fiber (coir fiber) or rattan | 3963.000 | 10/21/42 |
| Pile mats and floor coverings of cocoa fiber (coir fiber) | 3960.100 | 10/21/42 |
| Coir manufactures (including all products of coir fiber), other than pile mats, floor coverings, matting, etc., elsewhere specified on this order | N. S. C. | 11/23/42 |
| Copper | 6401.800 6417.100 6430.000 6418.300 | 12/28/41 3/14/42 3/14/42 6/1/42 |
| Corundum in grains, or ground, pulverized or refined | N. S. C. | 5/22/42 |
| Corundum ore | 5460.000 | 5/22/42 |
| Cotton fabrics: | | |
| Grey tracing cloth fabric | N. S. C. | 11/23/42 |
| Tracing cloth | 3970.000 | 8/21/42 |
| Typewriter ribbon fabric | N. S. C. | 8/21/42 |
| Diamonds, rough or uncut (suitable for cutting into gem stones) | 5950.000 | 9/16/44 |
| Diamonds, industrial (rough or uncut not advanced in condition or value by cleaving, splitting, cutting, boring, or other process): | | |
| Carbonado and ballas | 5952.100 | 9/16/44 |
| Diamond dust | 5952.600 | 9/16/44 |
| Bort (Glaziers' and engravers' diamonds not set, and miners' diamonds, n. e. s., and other industrial diamonds) | 5952.700 | 9/16/44 |
| Emetine and salts thereof | N. S. C. | 8/5/43 |
| Feathers for beds (incl. goose and duck feathers and down, and mixture thereof, new and used) | 0922.200 | 6/28/43 |
| Fish liver oil, n. e. s. (include halibut-liver oil) | 2220.250 | 1/12/44 |
| Graphite or plumbago: | | |
| Amorphous large lump, over 95% graphitic carbon content | N. S. C. | 4/8/42 |
| Amorphous ordinary lump, 90/95% graphitic carbon content | N. S. C. | 4/8/42 |
| Hair, curled | 3698.800 | 6/29/44 |
| Hemp (Cannabis Sativa type only) unmanufactured: | | |
| Hacked including "line of hemp" | 3263.000 | 9/11/42 |
| Not hacked | 3263.200 | 9/11/42 |
| Tow | 3263.300 | 9/11/42 |
| Hides and skins: | | |
| Buffalo hides dry and wet | 0203.000 0203.100 | 1/13/42 1/13/42 |
| Buffalo hides (India water buffalo, for use in rawhide articles) dry and wet | 0209.000 0209.100 | 9/16/44 9/16/44 |
| Cabretta skins or hair sheepskins | 0235.000 | 7/2/42 |

LIST A—Continued

| Material | Com- merce Import Class No. | Govern- ing date |
|--|--|--|
| Hides and skins—Continued | | |
| Calf, dry and wet | 0207.000 0208.000 | 1/13/42 1/13/42 |
| Cattle hides, dry and wet | 0201.000 0202.000 | 1/13/42 1/13/42 |
| Goat and kid skins, dry and wet | 0241.000 0242.000 | 7/2/42 7/2/42 |
| Kip, dry and wet | 0205.000 0206.000 | 1/13/42 1/13/42 |
| Horse mane and tail hair, raw and drawn, including switches | 3694.000 3694.100 | 3/14/42 3/14/42 |
| Ipecac, crude and advanced in value or condition | 2210.450 2220.170 | 1/18/43 1/18/43 |
| Iron and steel scrap fit only for remanufacture | 6004.000 6004.100 | 6/1/42 6/1/42 |
| Istle or tampico rope, twine or yarn | N. S. C. | 11/23/42 |
| Jute and manufactures: | | |
| Waste bagging and waste sugar sack cloth | 3243.000 | 6/10/43 |
| Jute yarns or roving, single | 3244.000 3244.100 3244.200 3244.300 | 6/10/43 6/10/43 6/10/43 6/10/43 |
| Jute cordage, twine and twist or 2 or more yarns twisted together, size of single yarn or roving: | | |
| Not bleached, dyed or otherwise treated | 3245.200 3245.300 3245.400 3245.500 | 6/10/43 6/10/43 6/10/43 6/10/43 |
| Bleached, dyed or otherwise treated | 3245.220 3245.320 3245.420 3245.520 | 6/10/43 6/10/43 6/10/43 6/10/43 |
| Bagging for cotton, gunny cloth, etc., of single yarns, not bleached, colored, or printed, not exceeding 16 threads in warp and filling to the square inch, or jute or other vegetable fiber | 3246.000 3246.100 | 6/10/43 6/10/43 |
| Burlaps and other woven fabrics wholly of jute, n. s. p. f. | 3247.000 3247.200 | 6/10/43 6/10/43 |
| Plain woven fabrics of jute, weighing less than 4 ounces per square yard | 3248.000 | 6/10/43 |
| Woven fabrics of jute for padding or interlinings exceeding 30 threads in warp and filling to the square inch weighing from 4½ to 12 ounces, inclusive, per square yard | 3248.100 | 6/10/43 |
| Woven fabrics, n. s. p. f. in chief value but not wholly of jute | 3248.200 | 6/10/43 |
| Jute silver | 3250.000 | 6/10/43 |
| Jute webbing, not exceeding 12 inches in width | 3250.700 | 6/10/43 |
| Jute manufactures, n. s. p. f. | 3250.900 | 6/10/43 |
| Jute bags or sacks | 3249.000 3249.100 | 4/2/43 4/2/43 |
| Jute butts, unmanufactured | 3242.000 | 10/6/42 |
| Jute, unmanufactured | 3241.000 | 10/6/42 |
| Kapok | 3403.000 | 7/2/42 |
| Lead manufactures: | | |
| Collapsible tube discs or slugs and any other semi-fabricated form, manufactured in whole or in part of lead or lead alloy | N. S. C. | 4/16/45 |
| Collapsible tubes, manufactured in whole or in part of lead or lead alloy, filled or empty | N. S. C. | 2/14/45 |
| Foil, manufactured in whole or in part of lead or lead alloy | N. S. C. | 2/14/45 |
| Storage batteries (lead acid type) | N. S. C. | 2/14/45 |
| Leather, unmanufactured: | | |
| Chamois leather | 0335.350 0335.800 | 7/2/42 7/2/42 |
| Goatskin and kidskin leather (except vegetable-tanned) | 0333.000 0333.500 incl. | 7/2/42 7/2/42 |
| Leather made from hides or skins of cattle of the bovine species | 0335.400 0340.800 0345.200 0345.300 | 7/2/42 7/2/42 7/2/42 7/2/42 |
| Leather made from hides or skins of animals of the equine species | 0300.100- 0317.900 incl. | 7/2/42 |
| Rough tanned leather (incl. India-tanned): | N. S. C. | 7/2/42 |
| Vegetable-tanned goat and sheepskins | 0339.000 0339.100 | 7/2/42 7/2/42 |

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

[Priorities Reg. 1, Section 9]

USE OF RATINGS OR AUTHORIZATIONS FOR MACHINE TOOLS OR OTHER FACILITIES WHEN RELATED MILITARY PROCUREMENT PROGRAMS OR CONTRACTS ARE CANCELLED OR CUT BACK

The following direction is issued pursuant to Priorities Regulation 1:

(a) *What this direction does.* This direction gives the rules which must be followed by persons who have received priorities assistance or an authorization for machine tools or other facilities required to fulfill a particular military procurement program, military contract or subcontract (including a facilities contract) when the program or contract has been cancelled or cut back to the point where the machine tools or other facilities are no longer necessary to perform the balance of the program or contract. The direction applies to ratings or authorizations given on Form WPB-542, WPB-1319, GA-1456 or any other rating or authorization form.

(b) *Effect of cancellation of military procurement program or contract on orders for equipment other than building service equipment which have not yet been placed.* If you receive a rating or authorization to get machine tools or other equipment (excluding building service equipment), and the application or other form rating or authorizing the equipment specifically identifies a particular military procurement program or a military contract or subcontract (including a facilities contract) for which the equipment is needed, you may not apply the rating, or use the authorization, to get the equipment after the program or contract has been cancelled or cut back to the point where the equipment is no longer needed to perform it. If you still want the equipment for some other purpose, you must either get it without a rating or authorization, if that is permitted, or get a new rating or authorization in accordance with applicable War Production Board orders and regulations.

(c) *Effect of cancellation of military procurement program or contract where rated orders for equipment other than building service equipment have already been placed.* If you have received a rating or authorization to obtain machine tools or other equipment (excluding building service equipment) needed to fulfill a particular military procurement program or military contract or subcontract (including a facilities contract) which is specifically identified on the application or other form rating or authorizing the equipment, and, after you have applied the rating or authorization to an order for the equipment, the program or contract is cancelled or cut back to the point where the equipment is no longer needed to perform it, you may delay advising your supplier that your order for the equipment is no longer rated or cancelling your order, provided that, if you still want the equipment for some other purpose and need a rating or authorization to get it, you must apply for another rating or authorization in accordance with applicable War Production Board orders and regulations within ten days of the date you receive the cancellation or cut back. The War Production Board will ordinarily notify you within ten days of the rating or authorization, if any, you may continue to use. You must promptly change or cancel the rating, if the War Production Board assigns a lower rating or denies your application and, if you do not propose to apply for a new rating or authorization, or do not apply within ten days, you must immediately advise your supplier that the order is no longer rated or authorized unless you elect to cancel the order completely.

(d) *Effect of cancellation of military procurement program or contract on construction and orders for building service equip-*

ment. If you receive a rating or authorization to construct a building or to get building service equipment such as elevators or plumbing, heating, lighting or air-conditioning equipment, you may still use the rating or authorization to construct the building or to get the equipment after the program or contract has been cancelled or cut back, whether or not the application or other form rating or authorizing the construction or equipment specifically identified a particular military procurement program or a military contract or subcontract (including a facilities contract) for which the construction or equipment is needed, unless the War Production Board specifically cancels or revokes the rating or authorization.

(e) *Effect of cancellation of military procurement program or contract where equipment has already been received.* If you have already received a machine tool or other equipment, you may either sell the equipment subject to the limitations of Priorities Regulation 13, or use it for any purpose not prohibited by War Production Board orders and regulations, even though the equipment was obtained for use in connection with a particular military procurement program or contract and the program or contract is cancelled or cut back after the equipment has been received. This is an exception to the rules stated in paragraph (b) (3) of § 933.11 of Priorities Regulation 1 which would otherwise restrict your use of the equipment to purposes for which you would be allowed to buy it under Priorities Regulation 13.

(f) *Effect on equipment supplier.* As stated in § 944.4a of Priorities Regulation 1, any person who receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than \$25 worth of material. A manufacturer who is advised by his customer that the customer's order is cancelled or no longer rated must adjust his schedules in accordance with paragraph (c) of § 944.7 of Priorities Regulation 1 and other applicable War Production Board orders and regulations. Certain exceptions to these rules are stated in Direction 70 to CMP Regulation 1 and Direction 8 to Priorities Regulation 1.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13104; Filed, July 19, 1945;
11:47 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 62]

Direction 62 to CMP Regulation No. 1 is hereby revoked. This revocation does not affect any liabilities incurred under the direction.

Issued this 19th day of July 1945.

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

[[F. R. Doc. 45-13105; Filed, July 19, 1945;
11:48 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 66, as Amended July 19, 1945]

SEQUENCE IN SCHEDULING ORDERS FOR STEEL

The following amended direction is issued pursuant to CMP Regulation 1:

(a) Orders for steel should be given the following preference in being placed on schedule.

(b) Where a producer of steel in controlled material form is unable to schedule all orders which he has accepted in the month for which he accepted them, he should select the orders to be placed on the production schedule according to the following preference:

(1) Carried over and current orders required to be filled by specific direction of the War Production Board, (2) Orders bearing symbol "FC-1" and CMP orders carried over from previous months except orders with a CMP allotment symbol including the letter "Z", (3) Current CMP orders excepting those carrying the allotment symbol "Z", (4) CMP orders carrying the allotment symbol "Z", (5) Unrated orders (including orders bearing the symbol FCN).

(c) If a producer finds it impossible to schedule all orders carried over from a previous month, plus orders covered by directives and those bearing the symbol FC-1 whether carry-over or otherwise, he must immediately advise the appropriate Product Branch of the Steel Division, War Production Board.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13106; Filed, July 19, 1945;
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PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Direction 23, as Amended July 19, 1945]

ADDITIONAL EXCEPTION FROM INVENTORY RESTRICTIONS FOR CONTINUING RECEIPTS OF SPECIAL ITEMS AFTER CONTRACT CUT-BACKS

Inventory Direction 23 to CMP Regulation 2 is amended to read as follows:

(a) *Purpose.* Where a contract or subcontract has been modified (not terminated) so as to reduce the rate of delivery under it, and the contractor or subcontractor as a result has an excess inventory of any special item of controlled material (as defined in paragraph (c) (2) (ii) of CMP Regulation 2), his inability to receive further deliveries of it until the excess is consumed might have a serious effect on war procurement. The customer can accept special items which the supplier has in stock or in production as permitted in that paragraph (c) (2) (ii). This direction tells how additional deliveries of special items can be accepted by the customer in excess of inventory limitations.

(b) *Scope.* This direction applies only where the customer is a prime or subcontractor under a contract which has been modified (not terminated) by the Army, Navy, Maritime Commission, War Shipping Administration, Army Air Forces or Bureau of Aeronautics, and permits the customer to accept continued deliveries only as permitted under paragraphs (c) and (d).

(c) *Inventory exceptions—*(1) *Six-months permission.* The customer may continue to accept delivery at a reduced rate of any special item of controlled material required for use in the contract or subcontract where (i) the supplier notifies the customer in writing that to the best of his knowledge and belief he will be unable to resume shipments at a later date as required by the contract or subcontract if he is not permitted to make the continued deliveries, and (ii) such deliveries are rescheduled so as to bring the customer's inventory down to the limits required by CMP Regulation 2 within six months.

(2) *Permission from procuring agency.* If the six-month requirement of paragraph (c) (1) cannot be met, the customer may nevertheless continue to accept delivery of special items, provided the deliveries are rescheduled at the lowest practicable rate and have been approved in writing to the customer by the procuring agency.

(d) *General limitation on receipts and use.* No amounts of special items may be received under this direction which exceed the customer's total requirements under the particular contract or subcontract after taking into consideration the amounts of the item presently on hand. In addition, any quantities of an item so received may be used only in filling the particular contract or subcontract, and if it is subsequently cancelled further deliveries may be received only as permitted by paragraph (c) (2) of CMP Regulation 2.

(e) *Exceptions relate to receipts only.* Nothing in this direction or any other exception to War Production Board inventory restrictions on receipts permits a supplier to continue to produce or deliver in violation of any applicable WPB order or regulation.

(f) *Noncontrolled materials.* Similar rules on noncontrolled materials are explained in Direction 7 to Priorities Regulation 1.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13107; Filed, July 19, 1945;
11:47 a. m.]

PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended July 19, 1945]

SALES OF CONTROLLED MATERIALS BY WARE-
HOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4—(a) Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Direction 3 to Order M-21.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer, retailer, or scrap dealer) who is engaged in the business of receiving steel into one or more warehouse stocks regularly maintained by him for sale or resale in the form received, or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) [Deleted July 10, 1945.]

(2) [Deleted Jan. 13, 1944.]

(3) A distributor must not accept an authorized controlled material order bearing an allotment number which requires a quarterly identification after the end of the quarter for which the allotment was issued. A distributor must not deliver any steel on an authorized controlled material order which requires a quarterly identification earlier than 15 days preceding the beginning or later than 60 days after the end of the calendar quarter for which the allotment was issued. Orders bearing symbols which do not have to bear any quarterly identification such as MRO (see Interpretation 25 to CMP Regulation 1) are not subject to this provision. Such orders may be accepted and delivered at any time.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1), (2) or (3), and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4).

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which can be filled.* A distributor must fill orders of the kinds described in paragraphs (d) (1), (2) and (3) unless he is required or permitted to reject them under paragraph (c), (Rejection of Orders) and he may fill orders of the kind described in paragraph (d) (4). Paragraph (p) explains the preference that must be given in filling various classes of orders:

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill any other order. No endorsement is required on orders which a distributor is permitted to fill under this paragraph (d) (4). Deliveries made pursuant to this paragraph (d) (4) shall not be used to support a WH—Authorized Stock Replacement Order.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Copper wire mill product" means bare, insulated or armored wire or cable for electrical conduction made from copper or copper base alloy or copper-clad steel containing more than 20% copper by weight.

(2) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy. This does not include copper wire mill products.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or copper wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of copper wire mill product" means any wire or cable made from copper, copper base alloy or copper-clad steel containing more than 20% copper by weight for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(5) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items except in the case of copper and brass sheet, where differences in temper will constitute different items.

(6) "Warehouse stock" means brass mill or copper wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery of brass mill or copper wire mill products—(1) Delivery from warehouse stock.* (i) A warehouse must fill authorized controlled material orders for brass mill or copper wire mill products, in accordance with this regulation, if it can fill the orders from its stock. In no case, however, may a warehouse fill an order for brass mill or copper wire mill products unless the purchaser has the right to accept delivery under the provisions of this paragraph (f) which limit the amount of brass mill and copper wire mill products which a purchaser may get from a warehouse. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) of this regulation, unless it knows or has reason to believe the certificate to be false.

(ii) No person shall place orders calling for delivery from warehouse stock during any one calendar month to any one destination of more than 3,000 pounds gross weight of any item of brass mill product (except condenser tubes) or 3,000 pounds copper content of any item of copper wire mill product. This paragraph does not apply to the resale of brass mill and wire mill products obtained by warehouses under Priorities Regulation 13 or WEB Directive 16.

(iii) [Deleted May 10, 1945.]

(iv) No person shall place an order under this paragraph (f) (1) and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a

certificate in the form provided in CMP Regulation No. 7 (or a certificate prescribed by any regulation or order of the War Production Board for use in placing an authorized controlled material order), signed manually or as provided in Priorities Regulation No. 7.

(2) *Delivery from warehouse stock on other than authorized controlled material orders.* Effective immediately, a brass mill warehouse, and effective July 1, 1945, a copper wire mill warehouse may but need not fill any order other than those which it is required or permitted to fill under paragraph (f) (1) or (f) (3) as follows:

(i) A warehouse may sell a quantity of each product group of controlled materials (except condenser tubes) as described below equal to the amount of such product group purchased by him on "ZW" orders "Deferred Warehouse Stock Orders" and unrated orders from producers or warehouses.

(ii) In addition, a warehouse may sell a quantity of such product group of controlled materials (except condenser tubes) equal to 10% of the amount of each brass mill product that is in his inventory at the close of business on May 26, 1945, and each copper wire mill product group that is in his inventory at the close of business on June 30, 1945.

(iii) A warehouse may sell any quantity of condenser tubes. "Quantity" as used in the last three paragraphs means the gross weight of brass mill products or the copper content of wire mill products.

(iv) If a warehouse has in its stock a particular lot of controlled materials which it cannot deliver on unrated orders because of the restrictions contained in this paragraph (f) (2), the warehouse may apply by letter to the Copper Division, War Production Board, Washington 25, D. C., attention Wire Mill Branch or Brass Mill Branch for specific authorization to do so. Such application should describe the materials and state how long they have been in stock. Generally, the War Production Board will authorize the delivery of these materials on unrated orders only if the materials have been in stock 60 days or more and the warehouse has been unable to deliver them on authorized controlled material orders.

(v) Effective immediately, a warehouse may resell on unrated orders any brass mill products or wire mill products obtained by warehouses under the provisions of Priorities Regulation 13 or WPB Directive 16.

(vi) Purchasers of brass mill and wire mill products on orders other than authorized controlled material orders are subject to the quantity limitations of paragraph (f) (1) (ii).

(vii) Effective July 1, 1945, a warehouse may deliver brass mill and copper wire mill products on authorized controlled material orders identified with a CMP allotment symbol whose initial letter is "Z" only under the conditions provided for delivery of orders other than authorized controlled material orders by this paragraph (f) (2). "Z" orders must, however, continue to be accepted if they can be filled within these limits.

(viii) The following product groups are to be used as a basis for permitted deliveries on unrated orders under this paragraph (f) (2).

- (a) Brass mill alloy Plate, Sheet and Strip.
- (b) Brass mill alloy Rods, Bars and Wire.
- (c) Brass mill alloy tube and pipe.
- (d) Brass mill unalloyed copper products.
- (e) Copper wire mill products.

(3) *Shipments direct to customer or to fill specific orders.* If a warehouse wants to order material to fill a specific authorized controlled material order of a customer instead of filling it from stock, it may order the material either for direct shipment to the customer or for shipment via the warehouse, by placing on its order the customer's name and allotment number or symbol. Such an order is to be treated as an authorized controlled material order. The warehouse may not treat the delivery to the customer as made from stock and may not request a replacement. However, in the case of brass mill products, a warehouse may order from another warehouse only if it does not have the material in inventory and needs it for immediate delivery to a customer on an authorized controlled material order. It must state these facts on its order.

(4) *Rejection of orders.*

(i) [Deleted May 10, 1945]

(ii) A warehouse must not deliver any brass mill or copper wire mill product on an authorized controlled material order except in the quarter for which the allotment appearing on the order is valid. Orders bearing symbols such as "MRO" or "SO" which do not have to bear any quarterly identification may be filled during any quarter, but such orders must indicate when delivery is required if for other than immediate delivery.

(iii) A warehouse may reject any order calling for immediate delivery of brass mill or copper wire mill products which it does not have in stock or know to be in transit to its stock.

(iv) A warehouse may reject an order calling for future delivery. If it elects to accept the order, it must not set aside or hold any material to fill it.

(v) If delivery of an order would deplete a warehouse stock to a point where its function in the distribution of brass mill products or copper wire mill products would be seriously impaired, the warehouse may apply to the War Production Board for authority to reject the order and may delay filling the order until its application is acted upon.

(vi) A warehouse may reject any order other than those it is required to fill by paragraph (f) (1).

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who has received or proposes to receive physical delivery of aluminum into his

stock for sale or resale in the same form, or after performing such operations as cutting to length, shearing to size, sorting and grading.

(h) (1) *Deliveries of aluminum by distributors.* Each distributor must, to the extent of his available stock, fill authorized controlled material orders, orders bearing the symbol AM (except orders bearing symbols from AM 9500 through AM 9699) and orders which he has been specifically directed in writing by the War Production Board to fill. Orders bearing symbols from AM 9500 through AM 9599 need not be accepted, but if accepted, must be treated as authorized controlled material orders. Orders bearing symbols from AM 9600 through AM 9699 must be treated as deferred ("Z") orders before July 1, 1945, and as unrated orders on and after that date.

(2) Effective immediately, an aluminum warehouse may, but need not deliver aluminum (except extrusions, CMP Code Numbers 4301 and 4311), and effective July 1, 1945, a warehouse may but need not deliver extrusions on orders other than those he is required to fill under paragraph (h) (1).

(3) The restrictions of this regulation do not apply to aluminum powder, flake, pigment, or paste delivered for the purpose of making paint, ink, or other coating or liquid welding compound. Such aluminum powder, flake, pigment or paste may be delivered by a distributor on rated or unrated purchase orders subject to the provisions of Priorities Regulation No. 1.

(4) No person shall place "deferred" ("Z") orders or unrated orders for delivery from warehouses which aggregate more than 10,000 pounds of sheet, strip or plate; 4,500 pounds of wire, rod and bar or more than 3,000 pounds of tubing, extrusions, or structural shapes for delivery in one month.

A warehouse may reject any order which it is otherwise required or permitted to accept if the order is for delivery at one time to one destination of more than 2,000 pounds of any gauge, alloy and sizes of aluminum sheet, strip or plate, or more than 900 pounds of any alloy shape and size of aluminum wire, rod and bar, or more than 600 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes.

General Provisions Applicable to Steel, Brass Mill Products, Copper Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, copper wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, copper wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate certification and allotment number or symbol in the way prescribed by paragraph (s) (3) of CMP Regulation No. 1.

(3) A delivery order for steel, brass mill products, copper wire mill products or aluminum, placed with a distributor or warehouse shall be considered as calling for immediate delivery unless the order specifically provides otherwise.

(k) *Verbal delivery orders.* Any delivery order which a distributor is required to fill requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided*, That the person placing the order furnishes to the distributor or warehouse, within fifteen days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within fifteen days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the twentieth day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, which he is required to fill shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) [Deleted July 10, 1945.]

(n) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

(o) *Processing customer's material.* A warehouse or distributor that has facilities for slitting, trimming, bending, etc., may accept controlled material from his customer and re-deliver to him without requiring an authorized controlled material order or other authority as required by this regulation, as long as such work does not interfere with filling authorized controlled material orders.

(p) *Preference in filling orders.* Irrespective of the time the order is received, a distributor or warehouse must not fill an order if filling it would prevent filling another order on hand which calls for delivery of the same item within the next 30 days and which is in a prior class in the following series:

(1) Orders rated AAA.

(2) Authorized controlled material orders, other than orders bearing a CMP allotment symbol including the letter Z; orders specifically authorized by the WPB, and orders for steel described in subparagraph (d) (2) of this regulation.

(3) Orders bearing a CMP allotment symbol including the letter Z.

(4) Unrated orders.

Issued this 19th day of July 1945.

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

INTERPRETATION 1

DISTRIBUTORS OF AUTOMOTIVE REPLACEMENT PARTS

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire, battery cables and magnet wire without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L-158 and other applicable regulations or orders. (Issued Feb. 27, 1943).

[F. R. Doc. 45-13108; Filed, July 19, 1945;
11:47 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, as Amended July 19, 1945]

LUMBER CONTROL ORDER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lumber, and of materials and facilities used in producing lumber, 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:

§ 3285.121 *Order L-335—(a) What this order does.* This order explains procedures that persons must follow in getting lumber and that sawmills and distributors must follow in delivering lumber. It applies to sawmills that produce over 100,000 board feet of lumber a year and to persons who sell or distribute new lumber within or export new lumber from the continental United States (meaning only the 48 states and the District of Columbia). It applies to every person who receives new lumber from a sawmill or distributor and it provides a procedure for controlling the amount of lumber that large consumers can receive.

Definitions

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

(1) "Lumber" means any sawed lumber of any species, size or grade, including round edge, rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except: (i) dogwood, persimmon, rattan, balsa, and aircraft grades of Sitka spruce and Noble fir which are specifically allocated either directly or indirectly to manufacturers of aircrafts; (ii) shingles, lath and slabs; (iii) railway cross ties nine feet or less in length, and mine ties (sawed or hewed); (iv) edgings, trim, and off-fall less than three inches wide or less than four feet long unless made into standard commercial lumber sizes

or patterns; (v) hardwood flooring; (vi) items produced from lumber but not classified in the trade as lumber, such as box shook, dimension stock, cut stock, and millwork; (vii) used lumber; and (viii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Distributor" means any person who buys lumber for resale as lumber either at wholesale or retail. It does not include any part of a person's operations which would make him also either a sawmill or consumer.

(3) "Distributor stock" means any lumber which a distributor has in his possession for resale.

(4) "Sawmill" means: (i) any mill or plant, stationary or portable, which produced more than 100,000 board feet of lumber in 1944 or expects to produce more than 100,000 board feet in 1945; and (ii) any concentration yard or plant which processes (by drying, sawing, edging, planing or some other comparable method) 25 percent or more of the total volume of logs and lumber which it receives from the area in which it is located, into an item which is defined as lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, engaged in either retail or wholesale business even though it may process, for the servicing of special orders from customers, more than 25 percent of the lumber it receives.

(5) "Sawmill stock" means any lumber in the possession of a sawmill.

(6) "Consumer" means any person, (or any part of a person's operations, such as a plant, branch, or department which regularly maintains a separate lumber inventory record) who receives lumber (except for resale) and uses it in the United States. "Consumer" does not include contractors or repairmen who receive lumber for use on construction work (including repair of existing structures) done for other persons. The person for whom the construction work or the repair work is done is the consumer.

(7) A "certified order" is any order for delivery of lumber bearing one of the certificates prescribed by this order or by any direction issued pursuant to this order.

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

Lumber Consumers and How They Get Their Lumber

(c) *General.* For the purposes of this order lumber consumers are grouped according to the quantity of lumber they use and the purpose for which they use it. Because a person may be included in more than one group, he must read the provisions relating to each in order to determine the procedure or procedures he must follow in getting his lumber. Lumber which a person gets as a production material is subject to the limitations which may be imposed by directions to this order.

"Class I Consumers" and How They Get Their Lumber

(d) *Who a "Class I consumer" is.* A "Class I consumer" is any consumer who has been granted an authorization to receive lumber on Form WPB-3640.

(e) *Who is required to get an authorization on Form WPB-3640.* The following are required to file Form WPB-3640 and get an authorization from the War Production Board to receive lumber:

(1) Any consumer who has previously been granted an authorization to receive lumber on Form WPB-3640. If a consumer has received an authorization on Form WPB-3640 for one quarter, he must continue to apply for authorizations for subsequent quarters (though his requirements drop below 50,000 board feet) unless otherwise notified by the War Production Board.

(2) Any consumer who expects that he will need to receive 50,000 or more board feet of lumber in a particular quarter for all purposes except: (i) resale; (ii) mining or smelting operations for which he has been assigned a serial number under P-56; (iii) operations directly incident to the discovery, development, or depletion of a petroleum pool as authorized by Petroleum Administrative Order 11; (iv) farm operations for which he may get lumber through the War Food Administration as explained in paragraph (1) below; and (v) all construction jobs.

(f) *Separate branches and departments.* If a consumer has two or more branches, plants, departments or other divisions which regularly maintain separate lumber inventory records, each of them is to be treated as a separate consumer for purposes of determining whether it must get an authorization as a Class I consumer. Inventories may not be split for the purpose of evading this order.

(g) *A Consumer required to file Form WPB-3640 may not receive lumber in a quarter unless authorized.* Any consumer who is required to file Form WPB-3640 but does not file his application and get an authorization, is forbidden to receive any lumber in the quarter for which the authorization was necessary. This does not apply to lumber received for one of the excepted purposes mentioned in paragraph (e) (2) above.

(h) *How receipts are authorized.* Application on Form WPB-3640 covering requirements for any quarter will be returned to the applicant with an authorization saying how much lumber he may receive during the quarter for which the application is made.

(i) *Extent to which authorization can be used.* The following provisions govern the extent to which authorizations granted on Form WPB-3640 can be used:

(1) *Quarterly receipts by Class I consumer restricted to amounts authorized.* A Class I consumer may not order for delivery in or receive in any quarter more lumber than the amount authorized on Form WPB-3640. This does not apply to lumber ordered or received for the excepted purposes mentioned in paragraph (e) (2) above. Lumber ordered for delivery in one quarter but shipped during

the last 15 days of the preceding quarter or before the end of the first month of the following quarter may be received and charged against the authorization for the quarter in which delivery was requested.

(2) *Class I consumers may place certified orders in advance of authorization on Form WPB-3640.* In order to assure the fulfillment of long-term programs and schedules, Class I consumers who are authorized to place certified orders may place such orders for delivery of lumber in future quarters in an amount not to exceed 75 percent of the amount they are authorized to receive in any current quarter. These orders may be rated to the extent that the person placing them has received ratings which are valid for delivery in future quarters. These orders will be subject to such adjustments as may be necessary at the time the War Production Board's quarterly determination of essential requirements is made.

(3) *Additional authorizations and return of authorizations.* A Class I consumer who needs more lumber than he is authorized to receive may file a supplementary application on Form WPB-3640 for an additional amount. As soon as he finds that he will not need as much lumber as authorized, he must notify the War Production Board on Form WPB-3773 of the amount of lumber he does not need and has not received and must cancel or reduce his outstanding delivery orders accordingly.

(4) [Deleted July 19, 1945.]

(5) *Certification of delivery orders and use of ratings.* Every Class I consumer must certify all his purchase orders, sales tickets, or other orders requesting the delivery or transfer of lumber as explained in paragraph (q) below. When using preference ratings to get lumber a Class I consumer must comply with the provisions of paragraph (r) below. If a Class I consumer has no rating (or only an AA-5 MRO rating) for a part of his operations which requires lumber, he must place certified but unrated orders for the lumber which he needs for that purpose.

"Class II Consumers" and How They Get Their Lumber

(j) *Who a "Class II consumer" is.* A "Class II consumer" is:

(1) Any consumer who has a preference rating (except AA-5 MRO) and who would have to file an application as a Class I consumer except for the fact that he will need less than 50,000 board feet of lumber in a calendar quarter. (If, after the beginning of a quarter, this type of Class II consumer finds that he will need to receive 50,000 or more board feet of lumber in the quarter, he must immediately file an application on Form WPB-3640.)

(2) Any consumer who needs lumber (regardless of amount) for (i) mining and smelting operations for which he has been assigned a serial number under Order P-56; or (ii) operations directly incident to the discovery, development or depletion of a petroleum pool as authorized by Petroleum Administrative Order 11.

(3) Any consumer who needs lumber (regardless of amount) for construction jobs for which priority assistance has been given by the War Production Board or the National Housing Agency or any other Federal agency.

(k) *Class II consumers must place certified and rated orders.* Class II consumers do not, under this order, file special applications for authority to receive lumber unless specifically required to by a direction issued under this order. A Class II consumer in placing a certified order must use his appropriate rating and endorse his delivery order with the certificate as explained in paragraph (q) below. As to any part of his operations for which he does not have a rating (or only an AA-5 MRO rating) he is not a Class II consumer and may not place a certified order or use a rating. In using ratings to get lumber a Class II consumer must comply with the provisions of paragraph (r) below.

Farmers

(l) *Farmers and how they get their lumber.* Farmers include only persons engaged in farming as a business by raising crops, livestock, bees, or poultry. The term "farmer" does not include a person who has just a "victory garden" or a person who raises food or other agricultural products entirely for his own use. If a farmer wants to get lumber from another person he must follow the rules and regulations which have been established by the War Food Administration. The County Agricultural Conservation Committees will provide farmers with the necessary information on what they must do before they will be authorized to receive lumber. Any farmer who cuts trees on his own farm may have them sawed into lumber by a sawmill and may receive up to 5,000 board feet of lumber sawed from such trees in a calendar year without following the regulations of the War Food Administration or the provisions of this order. If he wants to receive more than 5,000 board feet of lumber which has been cut from his own trees he will need to get a certificate for the excess from his County Agricultural Conservation Committee or give the sawmill a certificate which he has received from another lumber consumer on a purchase order. Sawmills are authorized to re-deliver this lumber to farmers without requiring them to give certified orders.

All Other Consumers

(m) *Who "all other consumers" are.* "All other consumers" are industrial plants and business enterprises and other persons (including farmers) who need lumber for a purpose for which no rating has been assigned. The term also includes industrial plants and business enterprises that have an AA-5 MRO preference rating (except Class I consumers).

(n) *"All other consumers" may place uncertified and unrated orders.* "All other consumers" may place uncertified and unrated orders with lumber distributors and may accept deliveries of lumber to the extent that distributors are permitted by directions to this order to

supply lumber for their needs. An uncertified and unrated order is one which bears neither a certificate nor a rating.

Distributors

(o) *How distributors get their lumber.* The following provisions will govern the manner in which lumber distributors will get their lumber:

(1) *Extension of customers' certified order.* Every distributor may extend certified orders which he has accepted and receive an amount of lumber from a sawmill or from another distributor which is not more than the total accumulated certified orders accepted (either on past or future orders for delivery). There is no time limit within which orders must be extended. A distributor may not extend the same certified order more than once. Certified orders accepted by a distributor must be kept in the distributor's files, and the accumulated certificates may be extended by using the distributor's certification provided for in paragraph (q) (3) of this order. These provisions apply to all the certificates shown in paragraph (q) below and to any certificate the War Food Administration says a farmer must use to get lumber under this order.

(2) *Distributors receipts and deliveries of Red Cross Lumber.* Any lumber distributor who receives ratings from the American Red Cross on a preference rating certificate for use in obtaining lumber required for emergency relief in disaster-stricken areas may extend those ratings to get the amount of lumber for which the preference rating certificate was issued. In placing the order with his lumber supplier, the distributor is authorized and required to use the certificate prescribed by paragraph (q) (3) of this order. Notwithstanding any provisions of this order or a direction issued under this order, lumber that a distributor receives from his supplier under this paragraph may be delivered to victims of disaster-stricken areas on uncertified and unrated orders. If the distributor delivers lumber to such victims out of inventory the lumber obtained from the supplier may be used to replace that lumber in inventory.

(3) *War Production Board may authorize distributors to place certified but unrated orders.* Any lumber distributor who was engaged in the business of selling lumber at wholesale or retail prior to May 1, 1944 and who had a lumber inventory at that date, may apply to the War Production Board on Form WPB-3813 for authority to place certified but unrated orders with sawmills or other distributors. Lumber distributors authorized on Form WPB-3813 to receive lumber under this paragraph may use the certificate provided for in paragraph (q) (4) of this order.

(4) *Directions may also permit distributors to receive lumber.* Lumber distributors may be authorized by directions issued under this order to receive additional quantities of lumber. Lumber which a distributor receives under a direction to this order will be subject to the provisions of this order and such conditions as may be imposed by the directions.

(p) *Deliveries that distributors may make.* Unless a direction or directive issued under this order says a distributor may deliver lumber to a customer or to another distributor in some other way, deliveries may be made only on the following types of orders:

(1) *Deliveries on certified and rated orders.* Distributors may deliver lumber on the basis of a customer's or another distributor's rated order which bears either one of the certificates provided for in paragraphs (q) (1) and (q) (3) of this order or a certificate in the form prescribed by the War Food Administration.

(2) *Deliveries on certified but unrated orders.* Distributors may deliver lumber on the basis of either a customer's or distributor's unrated order if it bears one of the certificates provided for in paragraphs (q) (2), (q) (3), and (q) (4) of this order.

(3) *Distributors who are also consumers.* If a distributor wants to use lumber from his own distributor stock, he may do so only by following the same procedure he would follow in delivering lumber to another consumer. If, as a consumer, he has the right to place a certified order with someone else, he may treat the transfer from his distributor stock as a delivery on a certified order, but he must keep a record of it in his files and endorse the appropriate certificate on the record.

(4) *Deliveries of Red Cross Lumber.* Distributors may deliver lumber to victims of disaster-stricken areas in accordance with the provisions of paragraph (o) (2) above.

Certification of Orders

(q) *General provisions.* Unless a directive or a direction issued by the War Production Board under this order says that it may be done in some other way, an order for lumber may only be certified by endorsing or attaching one of the following forms of certificates on the purchase order, sales ticket, or other order calling for the delivery of lumber. Certificates must be signed manually or as explained in Priorities Regulation No. 7. However, the standard form of certificate described in that regulation may not be used in place of the certificates required by this order. A certification required by this order or a directive or direction to this order may not be waived under paragraph (f) of Priorities Regulation 7. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate. Orders placed by telegraph must bear the appropriate certificate in full or be confirmed by letter bearing the certificate in full. Lumber suppliers who receive certificates must keep them in their files for inspection by government officials. Any consumer who may place a certified (rated or unrated) order for lumber required for construction or for maintenance and repair and who wishes to have the construction work done and the material furnished by another person may authorize such other person to sign the certificate as his duly authorized official.

(1) *Certificate that must be used by Class I and Class II consumers on rated orders.* Class I and Class II consumers must endorse the following certificate on

all their rated orders calling for the delivery or transfer of lumber:

The undersigned consumer certifies to the supplier and to the War Production Board that this lumber, together with all other lumber for which he has requested delivery, does not exceed the amount he has been authorized by the War Production Board to receive under Order L-335, with the provisions of which he is familiar, and that the use of any rating shown on this order is authorized.

Consumer
Date _____ By _____
Duly authorized official

(2) *Certificates that must be used by Class I consumers on their unrated orders.* Class I consumers who place certified but unrated orders calling for the delivery of lumber must use the following form of certificate:

The undersigned certifies to the supplier and to the War Production Board that he is a Class I consumer and that this lumber, together with all other lumber for which he has requested delivery within the quarter in which delivery of this lumber is requested, does not exceed the amount he has been authorized by the War Production Board to receive under Order L-335, with the provisions of which he is familiar and that this order is unrated.

Consumer
By _____
Duly authorized official
Date _____

(3) *Certificate that must be used by distributors in extending customers' certified orders.* When extending customers' certified orders including certified orders that a distributor may receive from another distributor the following certificate must be used:

The undersigned certifies that this lumber, together with all other lumber which he has ordered on the extension of his customers' certified orders, does not exceed the amount of unextended certified orders which he has in his file, and that to the best of his knowledge and belief, he is authorized to place this order as a "certified order" under Order L-335, and to use any preference rating shown on this order.

Distributor
By _____
Duly authorized official
Date _____

(4) *Certificate that must be used by distributors to get lumber authorized on Form WPB-3813 or by a direction.* When a distributor places certified orders to get lumber authorized by the War Production Board on Form WPB-3813 as explained in paragraph (o) (3) above or to get lumber which he is authorized to receive under a direction he must use the following certificate:

The undersigned certifies to the supplier and to the War Production Board that he has been authorized _____ to receive this lumber. The amount for which he is requesting delivery on this order together with all other orders bearing this form of certificate does not exceed the amount he is authorized to receive by the use of this form of certificate. This order is not rated.

Distributor
Date _____ By _____
Duly authorized official

The distributor must insert in the space provided either (i) "on Form WPB-3813"; (ii) "by Direction 8"; or (iii) "on Form WPB-3813 and by Direction 8".

Restrictions on the Use of Ratings

(r) *General.* This order does not assign any preference ratings. If a consumer has a rating to get production materials for a product, he may continue to use that rating to get lumber to be incorporated in the product. If a consumer has a rating (except an AA-5 MRO) to get lumber for maintenance, repair, or operating supplies (including MRO shipping material or dunnage), he can also continue to use that rating to get lumber for such purposes. A consumer who does not have a rating but needs one to get lumber may get it in the same way as a rating for any other material (except in the case of farmers who get a rating through the War Food Administration). Persons who had a rating to get lumber under Order M-208 may not use those ratings as that order has been revoked as of August 1, 1944. Under this order any person entitled to use a preference rating to get lumber must also use the certificate described in paragraph (q) (1), as the preference rating alone is not sufficient. The use of any rating assigned by a certificate, preference rating order, or regulation is subject to any restrictions contained in the instrument assigning it. Also, persons using ratings to get lumber must comply with the general applicable restrictions in Priorities Regulations 1, 3, and 11-B and CMP Regulation 3 and with the further restrictions contained in this order.

(1) *MRO rating of AA-5 may not be used to get lumber.* No person who has an AA-5 MRO rating for maintenance, repair, and operating supplies may use it to get lumber. No person selling lumber may give any effect to such a rating.

(2) *Repairmen's rating of AA-3 under CMP Regulation 9A.* Repairmen (including captive repair shops) may not use the rating assigned to them by CMP Regulation 9A to obtain lumber for use on construction work done for another person. For this purpose "construction" means putting up, altering, or repairing any sort of a structure including a building, road, bridge, dam, sewer, and similar jobs. It also includes the installation of equipment or fixtures in such structures.

(3) *Uncertified order may not be rated.* No preference rating appearing on a lumber order will be valid unless the order is certified as provided in paragraphs (q) (1) and (q) (3) above.

Sawmill Deliveries

(s) *Deliveries that sawmills may make.* Unless a direction or a directive issued under this order says that a sawmill may deliver lumber to a distributor or to a consumer in some other way, the delivery may be made only in the following cases:

(1) *Deliveries on certified and rated orders.* Sawmills may deliver lumber on the basis of a rated order from either a consumer or a distributor if the order bears one of the certificates provided for in paragraphs (q) (1) and (q) (3) of this order.

(2) *Sawmill deliveries on certified but unrated orders.* Sawmills may deliver lumber on the basis of an unrated order from either a Class I consumer or a distributor if the order bears one of the certificates provided for in paragraphs (q) (2), (q) (3) and (q) (4) of this order.

(3) *Sawmills may deliver lumber freely to other sawmills.* This order does not restrict delivery of lumber between "sawmills".

(t) *Uncertified orders.* A sawmill cannot deliver lumber to either a consumer or distributor or withdraw lumber for his own use from his sawmill stock on uncertified orders unless permitted by a direction or by a letter from the War Production Board. Requests for authority for a sawmill to deliver lumber on uncertified orders shall be made by mailing a letter to the field office of the War Production Board for the district in which the sawmill is located except that sawmills located in the States of Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota must mail their requests to the Western Administrator, Order L-335, War Production Board, 1405 S. W. Alder, Portland 5, Oregon. The letter requesting authority to deliver any part of a sawmill's production on uncertified orders must refer to Order L-335 paragraph (t) and explain fully (1) the average monthly production of the sawmill in board feet and the percentage or amount of lumber in the species, grades, and sizes that the sawmill wishes to deliver on uncertified orders; (2) what effort has been made to get certified orders for this lumber; (3) the effect on the sawmill if the request is denied; and (4) any other information which would justify the request. If the lumber is of a type controlled by either Direction 2a or Direction 6 (which require 2 certificates on orders) then the sawmill must also state whether it is requesting permission to deliver without getting one or both of the certificates and if only one specify which. Authority for a sawmill to deliver lumber on an uncertified order will only be given in cases (1) where a distributor will take the lumber on an uncertified order and hold it for redelivery on certified orders; or (2) where the sawmill can make a positive showing that, even with the help of the War Production Board, it cannot get certified orders as required by Order L-335, Direction 2a, or Direction 6 to Order L-335. Sawmills that make a positive showing that they cannot get certified orders as required by an applicable direction but fail to show that they are unable to get orders bearing one of the certificates described in paragraph (q) of Order L-335 may be released only from the restrictions of the applicable direction.

(u) *Sawmills that are distributors.* If a person operates both a sawmill and a distribution yard, he may transfer lumber from his "sawmill stock" to his "distributor stock" provided he follows the procedures governing the delivery of lumber from a sawmill to a distributor. If, as a distributor, he has the right to place a certified order with other suppliers, he may treat the transfer from

his "sawmill stock" to his "distributor stock" as a delivery on a certified order, and he must keep a record of the transfer in his sawmill files and endorse the appropriate certificate on that record.

(v) *Sawmills that also sell at retail but do not have a distribution yard.* Sawmills that sell lumber at retail but do not maintain a separate retail distribution yard may accept the same types of orders that a distributor is authorized to accept.

(w) *Sawmills that are also consumers.* If a person is engaged in operating a sawmill and is also engaged in an operation which makes him a consumer, he may transfer lumber from his sawmill stock to his consumer operation provided that, as a consumer, he is authorized to place an order bearing one of the certificates required of consumers. The transfer from his sawmill stock may be treated as a delivery on a certified order, and he must keep a record of the transfer in his sawmill files and endorse the appropriate certificate on the record.

Acceptance and Sequence of Filling Orders

(x) *Sawmills' acceptance and filling of orders.* The following provisions will govern sawmills' acceptance of orders and the sequence in which they must be filled.

(1) *Sawmills' acceptance of certified and rated orders received a month before month of delivery.* Certified and rated orders calling for delivery in any calendar month must be accepted by a sawmill up to the first day of the preceding calendar month in accordance with the provisions of § 944.2 of Priorities Regulation No. 1; that is, as between certified and rated orders, a higher rated order shall take precedence over a lower rated order. If receipt of an order which is rated higher than a previously accepted rated order would result in the sawmill having rated orders for more than 110 percent of its anticipated shipments for the month, then the lowest rated orders or order must be displaced and the customer must be notified.

(2) *Orders received within one month of month of delivery.* A sawmill must not accept rated orders after the beginning of the month preceding the month in which delivery is requested except: (i) where acceptance of the order will not bring the sawmill's total accepted rated orders for delivery in the same month to more than 110 percent of anticipated shipments; (ii) where the new order is rated AAA; or (iii) where the sawmill is directed by the War Production Board to accept the order. If, by the first of the month preceding the month in which delivery is requested, a sawmill does not have certified and rated orders calling for 110 percent of its anticipated shipments, it must continue to accept rated certified orders in accordance with the provisions of § 944.2 of Priorities Regulation No. 1 until its accepted rated orders reach 110 percent of its anticipated shipments. After that, it must not accept any rated order for delivery in the same month, unless (i) the new order is rated AAA; or (ii) the sawmill is directed by the War Production Board to fill the order.

(3) *Sequence of filing accepted rated orders where all cannot be filled.* If a sawmill is unable to make delivery at the time requested on all certified and rated orders which it has accepted for delivery, it must give precedence to high rated orders over lower rated orders as provided in § 944.7 of Priorities Regulation No. 1, except that any unfilled certified and rated orders carried over from a previous month must be filled before making delivery on orders accepted for delivery in the current month, even if the orders carried over bear lower ratings. The only exceptions are that current orders rated AAA and orders which the sawmill has been directed by the War Production Board to fill take precedence over unfilled orders carried over from a preceding month.

(4) *Shipments prior to calendar quarter.* A sawmill may ship lumber on a certified order any time within 15 days before the quarter in which delivery is requested.

(5) *Certified but unrated orders.* There is no fixed limit on the amount of certified but unrated orders that a sawmill may accept from Class I consumers and distributors, but a sawmill should not accept more of these orders than it reasonably expects it will be able to ship. These orders must give way to all certified rated orders previously or subsequently received.

Miscellaneous

(y) The following provisions generally affect consumers, distributors, and sawmills and should be carefully read:

(1) *Validation of orders.* Any consumer or distributor who has placed an uncertified order with a lumber supplier and is later authorized to place a certified order may validate the order by giving his supplier the certificate that he is entitled to use. Any order that is validated subsequent to July 19, 1944, shall be treated as though the order were placed on the date that the certificate was received by the supplier.

(2) *Directives and directions.* The term "directive" as used in this order means written instructions to a specific person regarding the manufacture, delivery or use of lumber. The term "direction" means published instructions to a group or class. The War Production Board may issue directives or directions requiring sawmills or distributors to set aside specific quantities or percentages of production or shipments for persons placing certified orders. It may also allocate production or shipments to specified persons or classes or for specified uses, and may direct how and in what quantities delivery to specified persons or classes or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any person of particular items of lumber. Directions and directives supersede any preference ratings assigned to particular purchase orders or contracts. They will be issued in accordance with approved programs for the satisfaction of war and essential civilian requirements, and in order to carry out more fully the purposes of this order.

(3) *Exports.* The Army, and Navy, the Foreign Economic Administration, and other Federal agencies exporting or authorizing the export of lumber will obtain authorizations on Form WPB-3640 for all exports of lumber under their jurisdiction. The Directors of Priorities for the territories or possessions of Hawaii, Alaska, Puerto Rico, or the Virgin Islands are acting in a similar capacity for these territories and possessions. Any person who wishes to buy lumber for export must submit his delivery orders to the appropriate Federal agency for certification when requesting permission to export.

(4) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulations 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders placed with distributors and sawmills. All other applicable regulations and orders of the War Production Board also remain in effect where not inconsistent with this order.

(5) *Not applicable to territories and possessions.* This order applies only to deliveries made within the 48 states and the District of Columbia. Deliveries made within the United States for export to territories and possessions of the United States must be approved and certified by the Director of Priorities for the territories or possessions of Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

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

(7) *Delivery to violators prohibited.* No person shall sell, ship, or deliver or cause to be sold, shipped or delivered, any lumber which he knows or has reason to believe will be received or used in violation of the provisions of this order or any direction or directive issued under it, or any other order or regulation of the War Production Board.

(8) *Reports.* Every person shall file with the War Production Board or any other Federal agency through which the War Production Board may distribute lumber, such reports and questionnaires as the War Production Board or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(9) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter to the War Production Board referring to the particular provision appealed from and stating fully the grounds of the appeal.

(10) *Emergencies requiring immediate action.* The War Production Board may authorize the receipt and delivery of lumber to meet emergencies which will not

permit compliance with the procedures required by this order.

(11) *Application and communications.* Form WPB-3640 for use in filing applications under this order and Forms WPB-3773 and WPB-3813 may be obtained at any War Production Board District Office. All communications, unless otherwise directed, must be addressed as follows: Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref.: L-335.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13102; Filed, July 19, 1945;
11:46 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-51, as Amended July 18, 1945]

PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of pigs' and hogs' bristles and brushes made therefrom 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:

§ 3290.161 *Conservation Order M-51—*
(a) *Definitions.* In this order:

(1) "Bristles" means pigs' or hogs' bristles, including riflings, 2 inches or longer, whether new, reclaimed, raw, dressed, imported or domestic.

(2) "Painters' brush" means any brush having a ferrule and used in the painting, varnishing or decorating trade (including all types of brushes specified in the Brush List attached to this order and all brushes of similar construction or use).

(3) "Ferrule" means the band by which the bristles of a painter's brush are attached to the handle.

(b) *Importation.* Notwithstanding any other order, rule, regulation or direction, or any certificate or authorization, no person other than Defense Supplies Corporation or U. S. Commercial Company shall import any variety of bristles of the categories known as "Chinese", "Indians", "Russians" or "Siberians". The importation of bristles of other categories shall be according to General Imports Order M-63, as amended from time to time.

(c) *Inventories of bristles.* No person manufacturing brushes shall buy or accept delivery of any bristles 2½ inches or longer if he has more bristles on hand than are required to continue his then current rate of operations for a period of 120 days. In computing such inventory only items A1, 2 and 3 and B1 as listed on Form WPB-431 shall be included.

(d) *Allocation of stock piled bristles.* Reconstruction Finance Corporation shall not dispose of any variety of bristles of the categories known as "Chinese,"

"Indias," "Russians," or "Siberians," except as authorized by the War Production Board. The War Production Board may from time to time allocate the supply of stock piled bristles of the categories known as "Chinese," "Indias," "Russians" or "Siberians" and specifically direct the quantities, time and manner in which deliveries by Reconstruction Finance Corporation shall be made or withheld. It may also direct or prohibit particular uses of such categories of bristles. Any direction, prohibition or allocation issued pursuant to this paragraph, to be valid, must be in writing in the name of the War Production Board.

(e) *Restrictions on use of bristles—*

(1) *Use of bristles over 3 $\frac{3}{8}$ inches.* No person shall use any bristles longer than 3 $\frac{3}{8}$ " for manufacturing purposes except as follows:

(i) To manufacture brushes for delivery to or for the account of the Army and Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Veterans' Administration, the United States Treasury Department or the Department of the Interior;

(ii) To manufacture painters', billboard and paper hangers' paste brushes, except the types identified in the Brush List attached to this order by the following numbers: 12 (mucilage and paste), 13, 14 (painters' duster), 16 (radiator), 22, 23 (paper hangers' smoothing), and 24 (stencil);

(iii) To manufacture the following types of brushes provided the bristles so used are not longer than 3 $\frac{3}{8}$ " : Brushes required in production operations of any industry; car and window washing brushes (railroad and industrial only); tooth brushes, including dental plate brushes; surgeons' hand brushes and hair brushes.

(iv) [Deleted July 18, 1945.]

(2) *Required mixture of other materials.* No person shall manufacture painters', billboard or paperhangers' paste brushes using bristles longer than 2 $\frac{3}{8}$ inches or car and window washing brushes (railroad and industrial only) using bristles not longer than 3 $\frac{3}{8}$ inches unless such brushes contain at least 45% of filling material other than bristles as defined in this order;

However, this restriction shall not apply:

(i) To the manufacture of brushes where the applicable federal specifications require the use of bristles exclusively and the bristles used are not longer than 3 $\frac{3}{8}$ inches, and where the brushes are for delivery to or for account of the Army and Navy of the United States, the Veterans' Administration, the United States Treasury Department, the Department of the Interior, the United States Maritime Commission, the War Shipping Administration, or marine distributors pursuant to authorization by the Maritime Commission on Form WPB-646.

(ii) To the manufacture of Fitch brushes, stencil brushes, flat bakery grease brushes, long handle sash tools, flat-double, single and single X varnish and utility wall brushes using bristles not longer than 3 $\frac{3}{8}$ " (item nos. 2, 17, 18, 19, 24, 27, 29, 30 and 36 brush list only).

(iii) To the manufacture of flat triple varnish brushes (item no. 31 of brush list) using bristles not longer than 3 $\frac{3}{8}$ ".

(iv) To the manufacture of the following types of brushes provided the bristles so used are not longer than 3 $\frac{3}{8}$ " : varnish brushes, oval (item no. 28 of Brush List) : glue brushes (item nos. 7 and 8 of brush list).

(3) *Exceptions to paragraphs (e) (1) and (e) (2).* On letter application the War Production Board may grant exceptions from paragraphs (e) (1) and (e) (2) in the case of brushes required for:

(i) Applying adhesives in aircraft manufacture;

(ii) Dusting operations in shell-loading plants;

(iii) Use in manufacturing self-sealing gasoline tanks, and

(iv) Other uses where special types of brushes are needed.

(f) *Restrictions on the sale of bristle painters' brushes.* No brush manufacturer shall sell or deliver any painters' brushes containing bristles except on the following classes of orders:

(1) Orders placed by the Army and Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Veterans' Administration, the United States Treasury Department or the Department of the Interior;

(2) Orders placed by persons entitled to use ratings of AA-3 or higher;

(3) Orders placed by distributors (except marine distributors) rated on Form WPB-547 and orders placed by marine distributors rated on Form WPB-646;

(4) Orders for export rated on Form FEA-419.

No person shall buy or accept delivery of any of these brushes from a brush manufacturer except on these classes of orders.

(g) *Sale of brushes for export.* No person shall sell or deliver any product containing bristles which he knows or has reason to believe will be exported unless the purchase order contains the number of the export license or release certificate issued by the Foreign Economic Administration or unless the product is ordered by an agency of the United States for delivery pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or for delivery for the account of the United Nations' Relief and Rehabilitation Administration (U. N. R. R. A.).

(h) *Limitation on manufacture of brushes.* No person shall manufacture any painters' brush:

(1) Of a type other than those specified in the Brush List attached to this order;

(2) With a ferrule of dimensions other than those specified in the Brush List with respect to each brush, or which has an assembly containing an inner band, a bridge or a spout, or which is seamless (except for a shipbottom, stencil, oval varnish or oval sashtool brush), or which is embossed or stamped (except that the size and other markings may be applied if to do so would not require any special or additional operation during the process of manufacturing the ferrule); or

(3) With a handle finished in more than one color.

(i) *Reports.* Every owner of bristles shall file with the Bureau of the Census, Department of Commerce, acting as compiling agent for the War Production Board, not later than the 10th day of each month, a report on Form WPB-431 showing his holdings and consumption of bristles during the preceding month. This requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(j) *Communications.* All reports required to be filed and all communications concerning this order shall unless otherwise directed be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C. Ref. M-51.

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

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

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

Issued this 18th day of July 1945.

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

BRUSH LIST

These are the only kinds of painters' brushes which may be manufactured. (All dimensions are in inches. A maximum variation of $\frac{1}{32}$ of an inch is allowed in width and thickness both of which are referred to by inside dimensions. The Federal Specification numbers are to be used only as a means of identifying the type of brush. In case of any inconsistency, the dimensions in Columns 4, 5 and 6 shall prevail over those in the Federal Specifications.)

NOTE: List amended July 18, 1945.

| 1 | 2 | 3 | 4 | 5 | 6 | 1 | 2 | 3 | 4 | 5 | 6 |
|---|--|---------------------------|------------------|----------------------|--------------------------|---|--|---------------------------|------------------|----------------------|--------------------------|
| Type of brush | Identification No. for ready reference | Federal Specification No. | Width of ferrule | Thickness of ferrule | Maximum depth of ferrule | Type of brush | Identification No. for ready reference | Federal Specification No. | Width of ferrule | Thickness of ferrule | Maximum depth of ferrule |
| Color-single thickness | 1 | | 1/4 | 1/4 | 1 | Signwriters—Continued | 21 | | 3/4 | 17/64 | 1/4 |
| | | | 1 1/2 | 7/16 | 1/4 | | | | 1 | 19/64 | 1/4 |
| | | | 2 | 1/2 | 1/4 | | | | 1 1/2 | 23/64 | 1/4 |
| | | | 3 | 1/2 | 1/4 | Smoothing paper hanger (2 rows) | 22 | | 12 | 1/2 | 1 |
| Fitch | 2 | HB-241a | 3/8 | 3/8 | 1 1/4 | Smoothing paper hanger (3 rows) | 23 | | 12 | 1/2 | 1 |
| | | | 7/16 | 9/16 | 1 1/2 | Stencil (seamless ferrule) | 24 | HB-621b | | 5/8 | |
| | | | 5/8 | 9/16 | 1 5/8 | Type I: | | | | | |
| | | | 3/4 | 9/16 | 1 3/4 | Rolled edge | | | 1 3/16 | 1 3/16 | 1 1/4 |
| | | | 3/8 | 1/2 | 1 9/16 | Type II: | | | 1 3/16 | 1 3/16 | 1 1/2 |
| | | | 1 1/4 | 5/8 | 2 1/4 | Without rolled edge | | | 7/8 | 7/8 | 1 1/4 |
| | | | 1 1/2 | 3/4 | 2 3/8 | | | | 1 1/4 | 1 1/4 | 1 1/4 |
| | | | 1 3/4 | 13/16 | 2 3/8 | | | | 1 1/4 | 1 1/4 | 1 1/4 |
| | | | 2 | 7/8 | 2 3/4 | Stucco-open center | 25 | | 2 | 2 | 1 1/4 |
| Flattening-wall master | 8 | | 2 1/2 | 7/8 | 3 | | | | 3 1/2 | 1 1/4 | 3/4 |
| | | | 4 1/4 | 1 1/2 | 1 | | | | 4 | 1 1/4 | 3/4 |
| | | | 5 | 1 1/2 | 1 | | | | 4 1/2 | 1 1/4 | 3/4 |
| Flattening-wall utility | 4 | | 6 1/2 | 1 1/2 | 1 | Stucco-solid center | 26 | | 3 1/2 | 1 1/4 | 3/4 |
| | | | 5 | 1 1/4 | 1 | | | | 4 | 1 1/4 | 3/4 |
| | | | 6 | 1 3/4 | 1 | | | | 5 | 1 1/4 | 3/4 |
| Flowing fitch-single thickness | 5 | HB-256 | 1 | 7/16 | 1 1/4 | | | | 4 1/2 | 1 1/4 | 3/4 |
| | | | 1 1/2 | 7/16 | 1 1/4 | Varnish-flat-double | 27 | HB-701a | 3 1/2 | 1 1/4 | 3/4 |
| | | | 2 | 1/2 | 1 1/4 | | | | 4 | 1 1/4 | 3/4 |
| | | | 3 | 1/2 | 1 1/4 | | | | 4 1/2 | 1 1/4 | 3/4 |
| | | | 4 | 1 1/2 | 1 1/4 | | | | 1 | 7/16 | 1 1/4 |
| Ox hair and civet hair flowing | 6 | | 1 | 7/16 | 1 1/4 | | | | 1 1/2 | 7/16 | 1 1/4 |
| | | | 1 1/2 | 7/16 | 1 1/4 | | | | 2 | 9/16 | 1 1/4 |
| | | | 2 | 9/16 | 1 1/4 | | | | 3 | 1 1/16 | 1 1/4 |
| | | | 3 | 1 1/16 | 1 1/4 | | | | 4 | 1 1/16 | 1 1/4 |
| | | | 4 | 1 1/16 | 1 1/4 | Varnish-oval (seamless ferrules). Round dimensions may be oval to any size. | 28 | HB-711 | 17/16 | 17/16 | 1 1/4 |
| Glue-flat | 7 | HB-291a | 1 | 7/16 | 1 1/4 | | | | 1 1/4 | 1 1/4 | 1 1/4 |
| | | | 2 | 9/16 | 1 1/4 | | | | 1 1/4 | 1 1/4 | 1 1/4 |
| | | | 3 | 1 1/16 | 1 1/4 | | | | 1 1/4 | 1 1/4 | 1 1/4 |
| Glue-round | 8 | HB-301a | 1 3/16 | 1 3/16 | 1 1/2 | | | | 2 | 2 | 1 1/4 |
| | | | 1 | 1 | 1 1/2 | | | | 2 1/2 | 2 1/2 | 1 1/4 |
| | | | 1 3/16 | 1 3/16 | 1 1/2 | Varnish-flat single | 29 | HB-690a | 1 | 1 1/4 | 1 1/4 |
| | | | 1 1/2 | 1 1/2 | 1 1/2 | | | | 1 1/2 | 1 1/4 | 1 1/4 |
| | | | 2 | 2 | 7/8 | | | | 2 | 7/16 | 1 1/4 |
| Kalsomine-Dutch | 9 | | 2 1/2 | 2 1/2 | 7/8 | | | | 3 | 7/16 | 1 1/4 |
| Kalsomine-flat | 10 | HB-141 | 7/4 | 2 1/4 | 1 | | | | 1 | 9/16 | 1 1/4 |
| | | | 8 | 7/8 | 1 1/4 | Varnish-flat single X | 30 | | 1 | 9/16 | 1 1/4 |
| | | | 8 | 7/8 | 1 1/4 | | | | 1 | 9/16 | 1 1/4 |
| Mottling | 11 | HB-391 | 3/8 | 7/16 | 1 1/4 | | | | 1 1/2 | 7/16 | 1 1/4 |
| | | | 3/4 | 7/16 | 1 1/4 | | | | 2 | 9/16 | 1 1/4 |
| | | | 7/8 | 13/64 | 1 1/4 | | | | 2 | 1 1/2 | 1 1/4 |
| | | | 1 | 1/4 | 1 1/4 | | | | 2 | 1 1/2 | 1 1/4 |
| | | | 1 1/16 | 1/4 | 1 1/4 | | | | 3 | 1 1/2 | 1 1/4 |
| | | | 2 3/16 | 9/16 | 1 1/4 | Varnish-flat, triple | 31 | HB-706a | 3 | 9/16 | 1 1/4 |
| Mucilage and paste | 12 | HB-401 | 1 | 9/16 | 1 | | | | 1 | 9/16 | 1 1/4 |
| | | Type 2 | 2 | 3/4 | 1 1/4 | | | | 1 1/2 | 1 1/4 | 1 1/4 |
| | | | 3 | 7/16 | 1 1/4 | | | | 2 | 3/4 | 1 1/4 |
| | | | 4 | 1/2 | 1 1/4 | | | | 2 1/2 | 1 3/16 | 1 1/4 |
| Painters' duster flat | 13 | | 4 | 1 1/4 | 1 | | | | 3 | 7/8 | 1 1/4 |
| Painters' duster round | 14 | | 2 1/2 | 2 1/2 | 1 | Wall-master A | 32 | HB-421 | 3 | 1 | 1 1/4 |
| Plasterers | 15 | | 7 1/2 | 1 1/2 | 3/4 | | | | 4 | 1 | 1 1/4 |
| Radiator | 16 | HB-451 | 1 | 1/4 | 1 1/4 | | | | 4 1/2 | 1 | 1 1/4 |
| | | | 1 1/2 | 1/4 | 1 1/4 | | | | 5 | 1 | 1 1/4 |
| | | | 2 | 9/16 | 1 1/4 | Wall-master B | 33 | HB-421 | 3 | 1 | 1 1/4 |
| | | | 1 1/2 | 1/2 | 1 1/4 | | | | 3 1/2 | 1 | 1 1/4 |
| | | | 2 | 9/16 | 1 1/4 | | | | 4 | 1 | 1 1/4 |
| Sashtool-flat | 17 | | 2 1/2 | 9/8 | 1 1/4 | | | | 4 1/2 | 1 | 1 1/4 |
| | | | 1 1/2 | 1 1/2 | 1 1/4 | | | | 5 | 1 | 1 1/4 |
| Sashtool-oval (seamless) | 18 | HB-491b | 1 1/2 | 1 1/2 | 1 1/4 | | | | 1 | 1 | 1 1/4 |
| | | | 1 3/16 | 1 1/2 | 1 1/4 | Wall-medium | 34 | HB-431 | 3 | 1 3/16 | 1 1/4 |
| | | | 1 | 5/8 | 1 1/2 | | | | 3 1/2 | 1 3/16 | 1 1/4 |
| | | | 1 1/16 | 3/4 | 1 1/2 | | | | 4 | 7/8 | 1 1/4 |
| | | | 1 3/4 | 7/8 | 1 1/2 | | | | 5 | 7/8 | 1 1/4 |
| Sashtool-oval (locked seam) | 19 | | 1 3/16 | 1 1/2 | 1 1/4 | Wall-syndicate | 35 | | 3 | 7/8 | 1 1/4 |
| | | | 1 1/2 | 1 1/2 | 1 1/4 | | | | 3 1/2 | 7/8 | 1 1/4 |
| | | | 1 | 5/8 | 1 1/2 | | | | 4 | 7/8 | 1 1/4 |
| | | | 1 1/16 | 3/4 | 1 1/2 | Wall-utility | 36 | HB-436 | 6 | 7/8 | 1 1/4 |
| | | | 1 3/4 | 7/8 | 1 1/2 | | | | 3 1/2 | 1 3/16 | 1 1/4 |
| Shipbottom (seamless or soldered wire ferrule) | 20 | | 2 3/16 | 1 1/16 | 1 1/2 | Whitewash | 37 | HB-731 | 4 | 7/8 | 1 1/4 |
| Signwriters | 21 | | 3/4 | 5/8 | 1 1/4 | | | | 7 | 1 3/8 | 1 |
| | | | 1 1/2 | 1 5/16 | 1 1/4 | | | | 9 | 1 3/8 | 1 |

[F. R. Doc. 45-13055; Filed, July 18, 1945; 4:25 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

Conservation Order M-217, as Amended July 19, 1945]

FOOTWEAR

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

§ 3290.191 Conservation Order M-217—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-328, as amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M-328.

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

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber

footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) [Deleted June 14, 1945.]

(5) [Deleted June 14, 1945.]

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) [Deleted Nov. 9, 1944.]

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) [Deleted Mar. 9, 1944.]

(10) "Line" means footwear of any one of the following types:

- Men's dress
- Men's work
- Youths' and boys'
- Women's and growing girls'
- Misses' and children's
- Infants'
- House slippers
- Athletic
- Men's safety shoes, and
- Women's safety shoes

to the extent that such type of footwear is manufactured for sale by the manufacturer in a price range where the highest list price does not exceed the lowest by more than 10% or 25¢ a pair (whichever is greater): *Provided*, That:

(i) Footwear of identical kind and quality sold at different prices to different types of purchasers may be included in one line if the highest price in the range is an actual price at which this footwear was sold during the base period, and the concession price for the same footwear is not more than 15% below the highest price in the range.

(ii) In case the sale by the manufacturer is at retail or to a purchaser which controls, is controlled by, or is subject to common control with, the manufacturer, then the applicable price range shall be the retail price range.

(iii) Up to the net wholesale price shown on the following schedule, each type of footwear listed may be deemed one line:

| Type: | Maximum net wholesale price per pair |
|--|--------------------------------------|
| Misses' and children's..... | \$1.75 |
| Youths' and boys' (without leather)..... | 1.90 |
| Youths' and boys' (utilizing leather)..... | 2.00 |
| Women's and growing girls' (including safety) (without leather)..... | 1.90 |
| Women's and growing girls' (including safety) (utilizing leather)..... | 2.00 |
| Men's work, dress and safety (without leather)..... | 1.90 |
| Men's work, dress and safety (utilizing leather)..... | 2.50 |
| House slippers (with or without leather)..... | 1.60 |
| Infants', sizes 0-4 (utilizing leather)..... | .90 |
| Infants', sizes 0-4 (made without leather)..... | .75 |
| Infants', sizes 4½ to 8 (with or without leather)..... | 1.35 |

NOTE: For the purposes of this schedule, footwear utilizing no leather except for heel

top lifts shall be considered as having been made without leather.

(iv) Nothing in this order shall be deemed to permit overlapping price lines.

(11) [Deleted May 1, 1945.]

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 through April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period, as set forth on his base period report.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard).

(18) [Deleted Nov. 9, 1944.]

(19) [Deleted Nov. 9, 1944.]

(c) *Curtailement in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) [Deleted June 14, 1945.]

(ii) [Deleted June 14, 1945.]

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) [Deleted June 14, 1945.]

(vi) [Deleted June 14, 1945.]

(vii) Bows or other ornaments, if made in whole or in part of leather (excluding scrap).

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in Goodyear welt footwear other than work shoes and safety shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) [Deleted Aug. 26, 1944.]

(xiii) [Deleted Aug. 26, 1944.]

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) [Deleted Aug. 26, 1944.]

(xvi) [Deleted Aug. 26, 1944.]

(xvii) [Deleted Aug. 26, 1944.]

(xviii) [Deleted June 14, 1945.]

(xix) [Deleted June 14, 1945.]

(xx) [Deleted June 14, 1945.]

(xxi) [Deleted Aug. 26, 1944.]

(xxii) [Deleted June 14, 1945.]

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) [Deleted Aug. 26, 1944.]

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) [Deleted Aug. 26, 1944.]

(xxvii) [Deleted Aug. 26, 1944.]

(xxviii) [Deleted Aug. 26, 1944.]

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) [Deleted June 14, 1945.]

(2) [Deleted Aug. 26, 1944.]

(3) No person shall put into process any leather for the manufacture of any boots (including jodhpurs and jodhpur types) except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: except that any person who has an established quota under paragraph (i) for men's work shoes may produce genuine logger boots with calks or linemen's boots above 10 inches in height; *Provided*, That within ten days after the end of each calendar month he sends to the War Production Board, Leather and Shoe Division, Washington 25, D. C., Ref: M-217, a letter showing the number and kinds of boots made, and, in the case of linemen's boots, the names of the individuals for whom they were made.

(4) [Deleted June 14, 1945.]

(5) [Deleted Aug. 26, 1944.]

(6) [Deleted June 14, 1945.]

(7) No person shall, in the manufacture of house slippers or romeos, put into process for uppers any cattle hide leather (including splits) or goatskin or kidskin

leather (including India-tanned goatskin or kidskin) or put into process for outsoles any cattle hide grain leather other than heads, bellies, shins, and shanks of 5 iron or less. No person shall utilize any leather in the manufacture of infants' house slippers in sizes 0 to 4, inclusive.

- (8) [Deleted July 19, 1945.]
 (9) [Deleted Aug. 26, 1944.]
 (10) [Deleted Aug. 26, 1944.]

(11) No person shall manufacture any leather or part leather bows for use on footwear, except out of scrap.

(12) No person shall attach any soles heavier than 4 iron cut from chrome, chrome retan, or any combination chrome tanned cattlehide or horse butt leather, excluding splits, to any footwear except infants', misses' and children's shoes (excluding all sizes over size 3), youths' and boys' shoes (excluding all sizes over size 6), men's work shoes, and men's and women's safety shoes manufactured in accordance with paragraph (e-1) below. This provision does not apply to repair.

(13) With respect to:

(i) Foot wear especially designed for the physically maimed and deformed;

(ii) Misses' and children's shoes (up to and including size 3);

(iii) Infants' shoes; and

(iv) Youths' and boys' shoes (up to and including size 6); no person shall utilize any upper leather or lining leather set aside by tanners for such footwear pursuant to Conservation Order M-310 or directions issued thereunder except in the manufacture of one of those types of footwear.

(d) *Restrictions on styling and types manufactured.* (1) [Deleted June 14, 1945.]

(2) [Deleted Aug. 26, 1944.]

(3) [Deleted Aug. 26, 1944.]

(4) No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs (c) and (d) above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear made wholly without leather except for leather top lifts if used. This exemption shall extend only to paragraph (c).

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' footwear up to and including size 4, except that this exemption shall not extend to paragraph (c) (7).

(6) Footwear made wholly or primarily of shearlings provided no other leather is used in their manufacture.

(e-1) *Restrictions on the manufacture of safety shoes.* No person shall manu-

facture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply with the safety features as to safety toe box, electric conductivity, electrical properties, non-sparking and moulders protection in the American War Standards Specifications for protective occupational footwear, men's safety shoes and women's safety shoes, Z41.1 to Z41.9 inclusive, 1944. Only those parts of the specifications relating specifically and solely to the safety features listed above and to the test requirements shall be applicable.

Upon letter application the War Production Board may authorize deviations from the above-mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) [Deleted Aug. 26, 1944.]

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear, or to footwear made as trials or pullovers but not sold.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker, or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(5) With respect to:

(i) Footwear especially designed for the physically maimed and deformed;

(ii) Misses' and children's shoes (up to and including size 3);

(iii) Infants' shoes; and

(iv) Youths' and boys' shoes (up to and including size 6); no manufacturer shall accept delivery of any upper leather or lining leather reserved by tanners for such footwear pursuant to Conservation Order M-310 or directions issued thereunder if his supply of leather suitable for such footwear and obtained on certificate pursuant to such direction shall thereby become larger than a 30-days' inventory. A 30-days' inventory shall be deemed to be the quantity of leather actually used for the production of shoes of these types during the preceding cal-

endar month, unless no such footwear was produced in that month, in which case a 30-days' inventory shall be deemed to be the leather required to manufacture his scheduled production of such shoes for the following thirty days.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning with March 1 or September 1 in any year complete the manufacture of more civilian footwear within any line than the percentage of his civilian line quota for such line shown on the following schedule:

| | |
|--|-----|
| Each line of youths' and boys' shoes..... | 125 |
| Each line of men's safety shoes..... | 125 |
| Each line of men's work shoes..... | 115 |
| Each line of men's dress shoes..... | 100 |
| Each line of women's and growing girls' shoes..... | 100 |
| Each line of house slippers..... | 100 |
| Each line of athletic shoes..... | 100 |
| Each line of women's safety shoes..... | 100 |

With respect to (i) infants' footwear and (ii) misses' and children's footwear, no manufacturer may exceed 125% of his aggregate civilian line quotas for all lines of infants' footwear, and no manufacturer may exceed 125% of his aggregate civilian line quotas for all lines of misses' and children's footwear, but his production within each of these two types of footwear may be distributed among his established lines in any manner desired, except that the production in any line consisting of less than 50 pairs or 2% of the total production of that type of footwear (whichever is greater) during the base period may not be increased by more than 25%;

Provided, however, That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase; and *provided further,* That to the extent that a manufacturer's production of military footwear during the six months' period ending September 1, 1945 increases over his military production during the six months' period ending March 1, 1945, he may deduct the increased pairage of military footwear from any civilian line or lines of men's dress or work shoes, or, in the event that he does not have sufficient quota in men's dress or work shoes, he may deduct the remaining pairage from his quota on any civilian line or lines of youths' and boys' shoes.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (i) (1) and (i) (2).* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to the quota of

a lower priced line of the same type of civilian footwear.

Provided he does not add a greater percentage of his unused quota than that set forth in the table below, any person may add the unused portion of his civilian line quota, or quotas, of men's dress or women's and growing girls' shoes to his quotas of the types shown in the following schedule up to a maximum of six times the amount actually transferred pursuant to this paragraph (i) (3) (ii) during the month of March, 1945:

| Type: | Percentage of unused quota |
|-----------------------------------|----------------------------|
| Men's work shoes..... | 115 |
| Youths' and boys' shoes..... | 125 |
| Misses' and children's shoes..... | 125 |
| Infants' shoes..... | 125 |

In no event shall any unused quota be added to a higher priced line.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year, a manufacturer whose total production for the period will be less than \$250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new higher priced lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 50%. The exemption in this paragraph shall not apply to a manufacturer affiliated, as a subsidiary or otherwise with another or others. This paragraph shall not authorize any manufacturer to increase his production by more than 50% in any line consisting of less than 50 pairs or 2% of his total production of that type of footwear (whichever is greater) during the base period.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear for the physically maimed or deformed on a custom-made basis and not for stock, to wood sole clogs utilizing no leather, or to shearling house slippers utilizing no other leather.

A person making infants' non-leather shoes in sizes 0 to 4 inclusive, infants' shoes in sizes 4½ to 8, inclusive, misses' and children's shoes and youths' and boys' shoes, who has filed a letter of intention to take advantage of the exception applying to those types of shoes before May 1, 1945 is permitted to take advantage of this exception only if his letter of intention was acknowledged by the War Production Board prior to May 16, 1945.

(vi) The War Production Board may authorize transfers of quotas of footwear from one line or type to any other line or type and new or additional production in each line or type. It will in general be the policy of the War Production Board to authorize new or additional production in lines of which there is a critical civilian shortage or lines of reasonably durable footwear where such production will not require materials,

components, facilities or labor needed for war purposes, and will not otherwise adversely affect or interfere with production for war or essential civilian purposes. Authorization will not be dependent upon the applicant's having been engaged in the production of shoes during the base period.

Application for such authorization shall be made by letter, describing fully the footwear manufactured or proposed to be manufactured, listing in detail all the materials to be used, and stating the pairs desired to be made in each price range, the source of the manpower that will be required, whether production will be reduced in any other line or lines, and all other facts pertaining to the application. All applications shall be accompanied by an original and three copies of Form WPB-3820. Authorization of production of new lines under this paragraph will be made only with the condition that production may not begin until evidence is furnished of conformity with applicable Office of Price Administration regulations.

The War Production Board will issue footwear manufacturers' quota numbers for quotas authorized by the War Production Board or established because of base period production.

Production in new price lines, or increased production in established lines, may be granted by the War Production Board to cover production of civilian footwear purchased by or on behalf of United Nations Relief and Rehabilitation Administration or any other agency for foreign relief purposes.

(vii) Manufacturers qualifying for an increase in price on footwear with non-marking synthetic rubber soles, or soles and heels, under Order No. 13 under § 1499.3 (e) (3) of General Maximum Price Regulations, issued by the Office of Price Administration, may disregard such increase for the purposes of this paragraph (i). However, where the increase results in production of shoes in a higher price line, the number of pairs so produced shall be reported separately on the manufacturer's production report at the actual price, as indicated in the revised directions to said form.

(viii) Where a manufacturer produced in his base period a line of misses' and children's footwear of less than 50 pair or 2% of his total production of that type, he may increase his production of this line in any six months' period to not more than six times his lawful production of the line in January, 1945, *Provided*, That, he deducts the production in excess of 125% of his base period production in this line from his other lines of misses' and children's shoes.

(ix) Any person with an established quota or quotas for the production of women's and growing girls' shoes may produce up to 10% of his aggregate quota or quotas in women's all-over genuine reptile (including frog) shoes in any line or lines at a net wholesale price of \$4.50 per pair or less, provided that the number of pairs of shoes produced under this paragraph (i) (3) (ix) is counted as pro-

duction against the quota for that line or those lines, if any. In the event that there is no quota in a line in which such shoes are being produced, or that the number of pairs in the quota for that line does not equal the number of all-over genuine reptile (including frog) shoes produced, the number of such shoes produced must be counted as production against the quota for that line, if any, and for the next lower lines in descending order as to price as far as is necessary, and exhausting the quota of each line before proceeding to the next lower line. Records must be kept of the number of all-over genuine reptile shoes produced in each line.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed. After July 11, 1944, lines manufactured by any person in his six months' base period as previously filed with the War Production Board may not be revised, except to bring them into conformity with this order.

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

(k) *Records.* All persons affected by this order shall keep and preserve records concerning their operations in accordance with § 944.15 of Priorities Regulation 1.

(l) *Reports.* All persons affected by this order shall file such reports and questionnaires as may be requested by the War Production Board subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref.: M-217.

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

Issued this 19th day of July 1945.

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

APPENDIX A: Superseded Nov. 9, 1944.

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The material shall have a resistance to abrasion of not less than 4000 revo-

lutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. \pm 2° F. and reconditioning at 65 per cent \pm 2 per cent relative humidity and 120° F. \pm 2° F. when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. \pm 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

Effect of water. After submerging in water at 75° F. \pm 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191 (Conservation Order M-217), refers to the operation whereby the features mentioned in subdivisions (1) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date (Issued October 6, 1942.)

INTERPRETATION 2

FOOTWEAR

The reference to "leather outsoles or outside leather taps," in paragraph (c) (8) of § 3290.191 Conservation Order M-217 designates outsoles and outside taps the wearing qualities of which are derived primarily from leather. For example: An outsole composed primarily of leather but having a paper coating would constitute a "leather outsole," since, presumably the paper would soon disappear and the wearing quality of the sole would rest primarily upon the leather.

On the other hand, if a sole of durable substitute material were cemented on a thin leather sole so that the substitute material received the wear the leather sole would constitute a midsole rather than an outsole.

Similarly a wooden sole having a leather heel insert to provide nonskid and sound-proofing features is not a "leather outsole," because the wear of the shoe is derived mainly from the wooden portion of the sole. (Issued Oct. 18, 1943.)

INTERPRETATION 3: Revoked August 26, 1944.

INTERPRETATION 4: Revoked May 1, 1945.

INTERPRETATION 5: Revoked June 14, 1945.

INTERPRETATION 6: Superseded Nov. 9, 1944.

INTERPRETATION 7: Superseded Nov. 9, 1944.

[F. R. Doc. 45-13091; Filed, July 19, 1945; 11:45 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule F]

SPECIAL PROGRAM FOR WORK GLOVES

§ 3290.120f *Schedule F to Order M-328B*—(a) *Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of work gloves to get an AA-2x preference rating for fabric to make the items listed in this schedule.

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

(1) "Work gloves" means any gloves or mittens of the types and meeting the specifications listed in Schedules A and B of Order M-375 and designed for wear by men, women or children while engaged in their occupations, and customarily sold as work gloves.

(2) "Base period" means the third calendar quarter of 1943.

(c) *Special requirements for priorities assistance.* (1) Three copies of Form WPB-3732 (Revised) should be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the third quarter of 1945 the applications must be postmarked by July 31, 1945.

(2) A base period manufacturer who files Form WPB-3732 (Revised) for the third calendar quarter of 1945 by July 31, 1945, may, as soon as he files his application, apply an AA-2x rating for the purchase of fabric for delivery in that quarter for incorporation into the items for which application is made. He may do so however only for an item he made in the base period, and the yardage for which he applies this rating, plus any yardage for which he has applied ratings for delivery in the third quarter of 1945 under Order M-317A as amended May 10, 1945, and Direction 16 to Order M-317, may not exceed 70 percent of the yardage of material used in the manufacture of work gloves during the first quarter of 1945. In addition, all fabric purchased under this paragraph and under the provisions of M-317A and Direction 16 to M-317 shall be deducted by the manufacturer from the total quantity for which priorities assistance is ultimately granted on Form WPB-3732 (Revised). If the applicant does not ultimately receive a grant of the entire quantity thus rated, he shall upon notification of his grant by the War Production Board, immediately cancel orders for any undelivered quantities which are in excess of his grant.

(3) Manufacturers who did not make in the base period an item applied for on Form WPB-3732 (Revised) may not use any preference ratings assigned under this schedule for that item until the War Production Board has assigned them a rated quota on that form.

(d) *Certain ratings extendible to get yarn.* Producers who deliver knit wrist tubing, knit jersey material 8 oz. or heavier or knit lining for work gloves on orders bearing ratings assigned under this schedule may extend those ratings to get yarn in the manner explained in Priorities Regulation 3 and Order M-328.

(e) *Priorities assistance for component parts.* Persons applying for priorities assistance under this schedule may apply for sewing thread, over-edges yarn No. 10, (2-ply), and twine, (10-ply), cotton in quantities needed for incorporation into the number of units for which priorities assistance is requested. Applications shall be made on Form WPB-2842 filed with the Textile, Clothing and Leather Bureau, War Production Board, Washington 25, D. C. Such applications will be approved to the extent of available materials and to the extent that allocations are made for the production of items.

(f) *Style provisions for base period manufacturers.* Base period manufacturers who are granted ratings under this schedule must make (subject to Order M-375) each style of work glove that they made in the first quarter of 1945 under the following rule: The production of each style of each item made in any quarter must not vary more or less than 10 percent from the proportion of that style of work glove to the total quantity of all styles of work gloves made in the first quarter of 1945. This rule does not apply to hot mill and 2-thumb husking gloves and mittens, which may be made to the full extent of a manufacturer's capacity. These styles should also be excluded in making the computations stated above for other styles.

(g) *Special inventory rule.* Manufacturers who use ratings assigned under this schedule are subject to the inventory provisions of paragraph (f) (4) of Order M-328B except that a 60-day inventory limit applies instead of a 45-day one.

(h) *Notification of unused allocations.* A person who finds that for any reason (such as increases in Army or Navy contracts) he will not place rated orders to the extent authorized on Form WPB-3732 (Revised) for a particular calendar quarter, or will cancel rated orders he has placed, must promptly write a letter giving notice to the Textile, Clothing and Leather Bureau of the War Production Board showing the reference number on his authorization. Letters must specify the quantity and kind of fabric in the same terms in which the authorization was made.

(i) *Provisions in case of governmental cut-backs.* At any time during any calendar quarter a manufacturer who has received cancellations or cut-backs on military contracts or orders placed by an agency of the United States Government, or who during the quarter has production facilities made available, may apply to the War Production Board on Form WPB-3732 (Revised) for priorities assistance to manufacture items listed in this schedule, provided that these items are to be made in conformity with Schedules A and B of Order M-375. Such applications will be approved to the extent of available materials and the need for additional production of the items applied for.

Issued this 17th day of July 1945.

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

| Item No. | Item column | Fabric column |
|----------|--|---|
| 1 | Canton flannel gloves and mittens (including hot mill gloves and husking gloves or mittens). | (23) Flannel mitten, white, brown and colored stripe. (23) Flannel, lining. (28) Ticking, 6½ to 8 oz. Knit tubing. (12) Osnaburg. (14a) Sheeting, medium, Class C. (16c) Twill (other than 3-leaf). (14c) Sheeting, soft-filled. (17) Print cloth, less than 80 sley. (16a) Drill. |
| 2 | Canton flannel, hot mill gloves. | Same as Item No. 1. |
| 3 | Canton flannel, two-thumb husking gloves and mittens. | (23) Flannel mitten knit tubing. |
| 4 | Leather combination gloves and mittens. | Same as Item No. 1. |
| 5 | Jersey gloves and mittens. | Knit Jersey, 8-9-10½ and 13 oz. weights. Lining, 5½ and 6 oz. Knit tubing. |

[F. R. Doc. 45-12999; Filed, July 17, 1945; 4:47 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-356, as Amended July 19, 1945]

SYNTHETIC FIBERS, YARNS AND FABRICS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of synthetic fibers, yarns and fabrics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Nylon

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

(2) "Nylon waste" means waste, noils and garnetted or reclaimed fibers (including scraps and clippings, generated in the manufacture of thread, fabrics, rope, braiding or other material containing nylon) the total nylon content of which is 95% or more by weight.

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

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

(c) *Restrictions on nylon waste.* No person shall sell, purchase, deliver, accept delivery, process or commercially use nylon waste except to recover nylon flake or for incorporation into products to fill orders of the United States Army, Navy, Maritime Commission, War Shipping Administration or Veteran's Administration. No person shall mix nylon waste with any other waste material having less than 95% nylon content by weight.

Export of Fine Rayon Yarn and Rayon Fabrics

(d) *Definitions.* (1) "Rayon fabrics" mean broad woven synthetic fabrics

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

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

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

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

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

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

(iii) A United States Treasury Procurement Division contract or requisition placed for Foreign Economic Administration.

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

(v) An order from a manufacturer, who has accepted orders for garments or materials covered by export orders defined in subdivisions (i), (ii), (iii) above, for goods to be incorporated in such garments or materials.

Deliveries to or for United States Army, Navy, Maritime Commission or War Shipping Administration, and deliveries to Canada, other than on orders referred to in subdivision (iv), are not exports for the purpose of this order.

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

(i) The goods hereby ordered will be exported (or will be incorporated in materials to be exported) under export license No. _____

(fill in)

issued by Foreign Economic Administration.

(ii) The goods hereby ordered will be exported (or will be incorporated in materials to be exported) under release certificate No. _____ issued by or pursuant to the authority

(fill in)

of Foreign Economic Administration.

(iii) The goods hereby ordered are (or will be incorporated in material that is) the subject of United States Treasury Procurement Division Contract No. _____

(fill in)

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

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

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

(f) *Establishment of export quotas for fine rayon yarn.* (1) An export quota system is hereby established for the producers of fine rayon yarn as defined in General Preference Order M-37-d. Such export quotas will be established from time to time by the War Production Board within which quotas the Foreign Economic Administration will be authorized to assign preference ratings. Until further notice from the War Production Board, each producer of fine rayon yarn shall, regardless of preference ratings, each day set aside an amount of such yarn equal to the production of 5% of his active spindles producing viscose or cuprammonium yarn and 4% of his active spindles producing acetate yarn. The number of active spindles producing high tenacity tire-type rayon yarn shall not be included in computing the above percentages. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule. No producer of fine rayon yarn shall be compelled to export or accept an order for export of fine rayon yarn in excess of the export quota so established for him: *Provided*, That no such producer shall be prohibited from exporting or accepting an order for export of fine rayon yarn in excess of such quota, unless specifically prohibited by the War Production Board.

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

(3) [Deleted Feb. 8, 1944]

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

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

Miscellaneous Provisions

(h) *Miscellaneous provisions — (1) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, and General Conservation Order M-328, as amended from time to time.

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

(3) *Reports.* Each producer of rayon fabrics shall forward to the War Production Board each week a copy of every export order accepted by him during the week. Each producer of rayon fabrics shall file with the War Production Board quarterly production reports on Form WPB-658-C within the time specified on

said form. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

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

Issued this 19th day of July 1945.

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

INTERPRETATION 1

ALL PRODUCERS OF RAYON FABRICS REQUIRED TO REPORT

Although "fabric producer" is defined in paragraph (d) (2) to mean a person who wove or caused to be woven for him on commission an average of more than 25,000 yards of rayon fabric per week during the three months' period ending September 30, 1943, paragraph (h) (3), the reports paragraph, refers to each producer of rayon fabrics regardless of the quantity he produces. Accordingly, all producers of rayon fabrics are required to report. (Issued May 25, 1944.)

[F. R. Doc. 45-13100; Filed, July 19, 1945; 11:46 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Preference Order M-388, Direction 3, as Amended July 19, 1945]

FIXING PERCENTAGE OF MANUFACTURER'S RATED QUOTA FOR DELIVERY IN THE THIRD QUARTER OF 1945 AND SUBSEQUENT CALENDAR QUARTERS

Direction 3 to General Preference Order M-388 is amended to read as follows:

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 and subsequent calendar quarters is fixed until further notice as follows:

| | Percent |
|----------------------------|---------|
| Cotton items..... | 100 |
| Synthetic fibre items..... | 100 |
| Wool items..... | 100 |

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13093; Filed, July 19, 1945; 11:45 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-331 as Amended July 19, 1945]

MOTORCYCLES

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

§ 3292.126 *Limitation Order L-331—(a) Definitions.* For the purposes of this order:

(1) "Motorcycle" means a complete two or three wheeled automotive vehicle, powered by an air-cooled internal combustion engine, having a piston displacement of not less than fifty (50) cubic inches.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture or assembly of new motorcycles.

(3) "Agency" means the Foreign Economic Administration (formerly, Office of Economic Warfare and Office of Lend-Lease Administration), the Office of Civilian Requirements or the Canadian Division of the War Production Board.

(4) "Distributor" means any person not a producer whose business consists in whole or in part in the sale of motorcycles.

(b) [Deleted May 29, 1945.]

(c) *Restrictions on delivery of motorcycles.* Motorcycles may be delivered only on orders for distribution through an Agency and in one of the following methods:

(1) *Motorcycles for export except to Canada.* Motorcycles (i) to be exported to individuals, firms or corporations, may be delivered by the producer only when he has been supplied with an export license issued by the Foreign Economic Administration covering the order; (ii) to be exported for Lend-Lease or UNRRA account may be delivered by the producer only on orders for Lend-Lease or UNRRA account originating in the War Department or in the Procurement Division of the Treasury and which specify the country of destination.

(2) *Motorcycles for police and other civilian uses.* Motorcycles for public or private police usage or for other civilian usages may be delivered to a consumer by a producer or distributor only upon receipt by him of authorization from the War Production Board. Such authorization shall be applied for by the producer or distributor on form WPB-1319 and shall be filed with the Office of Civilian Requirements of the War Production Board at Washington, in accordance with instructions for the use of the form available at all War Production Board offices.

(3) *Motorcycles for Canada.* Motorcycles for individuals, firms or corporations located in Canada, or for the Canadian Government, may be delivered to a consumer by a producer or a distributor only upon receipt by him

of authorization from the War Production Board. Such authorization shall be applied for by the producer or distributor on form WPB-1319 and shall be filed with the Canadian Division of the War Production Board at Washington, in accordance with instructions for the use of the form available at all War Production Board offices. No authorizations under this paragraph will be approved by the Canadian Division or issued by the War Production Board unless the application on Form WPB-1319 is accompanied by the written approval of the Motor Vehicle Controller of Canada.

(d) *Army and Navy exempted.* The terms and restrictions of this order shall not apply to any motorcycle sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

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

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Automotive Division of the War Production Board, Washington, D. C., referring to the particular provision appealed from and stating fully the grounds for appeal.

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

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Automotive Division, War Production Board, Washington 25, D. C.; Ref.: Order L-331.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13101; Filed, July 19, 1945;
11:46 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Schedule 57]

CHLORINATED PARAFFINS

Section 3293.1057 *Schedule 57 to General Allocation Order M-300*, and all authorizations and directions issued under that section, are hereby revoked, the revocation to become effective August 1, 1945. This revocation does not affect

any liabilities incurred by violation of the section or of actions taken by the War Production Board under the section.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13097; Filed, July 19, 1945;
11:45 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 106 as Amended July 19, 1945]

SODIUM METASILICATE

§ 3293.1106 *Schedule 106 to General Allocation Order M-300—(a) Definitions.*

(1) "Sodium metasilicate" means sodium silicate of the formula Na_2SiO_3 in either the anhydrous or hydrated form.

(2) "Sub-distributor" means any person who purchases sodium metasilicate for resale as such, but does not include any person who purchases for resale directly from a producer of sodium metasilicate.

(b) *General provisions.* (1) Sodium metasilicate is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is June 1, 1945. The allocation period is bi-monthly, beginning with June and July, 1945. The small order exemption without use certificate is 800 pounds anhydrous basis (1375 pounds pentahydrate basis) per person per calendar month.

(2) Notwithstanding Order M-300, paragraph (t), an authorization shall terminate if delivery is postponed beyond 5 days after the allocation period for any reason whatsoever. Suppliers must report terminated authorizations in the manner set forth in paragraph (d).

(c) *Special provisions for sub-distributors.* (1) Under this schedule sub-distributors are not subject to the provisions of Order M-300 or of this schedule regarding "suppliers."

(2) Each sub-distributor of sodium metasilicate shall file certified statements of use with his purchase orders pursuant to paragraph (e) below, specifying the aggregate quantities required for each use by his customers (without naming them), and shall redeliver accordingly. If unable to redeliver accordingly he shall not use or deliver the sodium metasilicate except as specifically authorized in writing by the War Production Board. Application may be made on Form WPB-2947 as shown in paragraph (d) below.

(3) A sub-distributor who delivers on uncertified exempt small orders shall specify on his own certificate what he believes his small order customers' uses to be, and shall be responsible only for a known misstatement.

(d) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947. Filing date is the 15th day of the month before the pro-

posed delivery month. File separate sets of forms for anhydrous and pentahydrate grades. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-106. The unit of measure is pounds. In Table I, first in Column 1 list customers ordering more than 16,000 pounds anhydrous basis (27,500 pounds pentahydrate basis) for delivery during the next bi-monthly allocation period, in Column 1a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; second, specify in Column 1 "1600 to 16,000 pound orders" (2750 to 27,500 pound pentahydrate basis), without specifying customers' names, in Column 1a group the end uses stated in the certificates filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; third, specify in Column 1 "1600 pounds or less orders (anhydrous basis)" or "2750 pound or less orders (pentahydrate basis)", without specifying customers' names, leave Column 1a blank, and in Column 4 specify the aggregate quantity ordered or expected to be ordered. Fill in the other columns as indicated. If the applicant primary supplier is seeking authorization to use any part of his own production or stock of sodium metasilicate, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such an order and certificate is not necessary).

Fill in Table II. (Distributors need fill in only Columns 8, 10, 12 and 13). In Column 10 specify (i) actual stocks on first day of current allocation period, and (ii) the amount of authorizations terminated under paragraph (b) (2) above by non-delivery within 5 days after the preceding allocation period.

(e) *Certified statements of use.* Each person placing orders for delivery of more than 1600 pounds anhydrous basis (2750 pounds pentahydrate basis) of sodium metasilicate per bi-monthly allocation period in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Order M-300.

Primary product should be specified as "Cleaning compound" or as other specified product. End use should be specified as household, industrial metal, dairy, other food facility (specify), laundry, paper de-inking, pulp and paper, or other specified use. Where the sodium metasilicate or the primary product is to be delivered directly to the Armed Services, or for export, or for Lend-Lease, specify "Armed Services", or "Export", or "Lend-Lease", as the end use, without further end use description. Proposed use may also be specified as "for resale on further authorization" (when purchasing directly from a producer), or "for export" (specify destination and export license or requisition number).

(f) *One-time use report.* (1) On or before the 15th day of the month preceding the first allocation period for which

a person seeks for use or resale more than 16,000 pounds anhydrous basis (27,500 pounds pentahydrate basis) of sodium metasilicate, he shall file one certified copy of a one-time use report on Form WPB-3442 with War Production Board, Washington 25, D. C., Ref: M-300-106. Another copy should be retained.

(2) In space (1) of the heading specify "Sodium metasilicate", in space (2) specify "pounds" and in space (3) specify "M-300-106". Fill in the other spaces of the heading as indicated. Fill in section I as follows: Fill in Column (a) as indicated. In Column (b) specify the grade of sodium metasilicate reported in terms of degree of hydration, such as "anhydrous" or "pentahydrate". In the heading of Columns (c), (d), (e) and (f), specify 2nd, 3rd and 4th quarters, 1944, and 1st quarter, 1945 respectively, and fill in these columns accordingly. Do not fill in section II.

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

(h) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-106.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13098; Filed, July 19, 1945;
11:46 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Revocation of Schedule 109]

PYRIDINE

Section 3293.1109 *Schedule 109 to General Allocation Order M-300*, and all authorizations and directions issued under that section, are hereby revoked, the revocation to become effective August 1, 1945. This revocation does not affect any liabilities incurred for violation of the section or of actions taken by the War Production Board under the section.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13099; Filed, July 19, 1945;
11:46 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Revocation of Direction 2]

Direction 2 to General Preference Order M-21 is hereby revoked. This revocation does not affect any liabilities incurred under the direction. The delivery and use of stainless steel remain

subject to all applicable orders and regulations of the War Production Board.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13095; Filed, July 19, 1945;
11:45 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 123]

SUSPENSION FROM PRICE CONTROL OF AIRCRAFT AND CERTAIN AIRCRAFT PARTS

A statement to accompany this supplementary order 123 has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is ordered:

§ 1305.151 *Suspension from price control of aircraft and certain aircraft parts.* Notwithstanding the provisions of any regulation or order issued by the Office of Price Administration, price control is suspended with respect to all sales and deliveries by any person of aircraft and parts specifically designed and sold for the production or repair of aircraft. The term "aircraft" includes heavier and lighter than air craft. This suspension does not apply to parts whose end use cannot be determined by the seller.

As used in this supplementary order, the term "part" means any product upon which further fabrication need not be performed before its incorporation into the aircraft or into a subassembly of the aircraft. Accordingly, the suspension granted by this order does not apply to lumber requiring further fabrication. This suspension also does not apply to the following:

- (a) Airplane tires and tubes.
- (b) Die castings covered by Maximum Price Regulation 377 (Die Castings).
- (c) Iron and steel castings covered by Revised Price Schedule 48 (Steel Castings and Railroad Specialties), Maximum Price Regulation 214 (High Alloy Castings), Maximum Price Regulation 235 (Manganese Steel Castings and Manganese Steel Castings Products), Maximum Price Regulation 241 (Malleable Iron Castings), or Maximum Price Regulation 244 (Gray Iron Castings).
- (d) Non-ferrous castings covered by Revised Maximum Price Regulation 125 (Non-Ferrous Foundry Products).
- (e) Plywood (except that molded specifically for airplanes).

This order shall become effective July 18, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13062; Filed, July 18, 1945;
4:45 p. m.]

PART 1499—COMMODITIES AND SERVICES [SR 14K, Amdt. 1]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICES REGULATION FOR CERTAIN MACHINERY AND PARTS

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 1.2 is revoked.

This amendment shall become effective July 18, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13061; Filed, July 18, 1945;
4:45 p. m.]

PART 1300—PROCEDURE

[Procedural Reg. 12, Amdt. 9]

REPLACEMENT OF LOST, STOLEN, DESTROYED, MUTILATED OR WRONGFULLY WITHHELD RATION BOOKS OR COUPON SHEETS

A new § 1300.956 (d) is added to read as follows:

(d) If an applicant is eligible to receive a War Ration Book No. 3 under this regulation and the Board does not have any War Ration Books No. 3, the Board shall issue, instead, special shoe stamps, one more in number than the number of valid shoe stamps that the applicant would have been eligible to receive in that book. (The additional stamp is in place of the shoe stamp in War Ration Book No. 3 being validated effective August 1, 1945.) The Board will mark the special shoe stamp or stamps "no book."

This amendment shall become effective July 23, 1945.

Issued this 19th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13113; Filed, July 19, 1945;
11:39 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 12, Amdt. 9]

WAR RATION BOOK 3

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

General Ration Order No. 12 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *War Ration Book No. 3.* (a) War Ration Book No. 3 (OPA Form No. R-130) may be used to get rationed commodities designated by the Office of Price Administration. A War Ration Book No.

¹ 8 F.R. 7453, 11514, 17183; 9 F.R. 6504, 9355, 10706, 11760; 10 F.R. 3197.

3 (or a special shoe stamp issued under the provisions of this order), even after it has been issued to any person, still remains the property of the United States, and may be used by such person only in a way permitted by the Office of Price Administration:

2. Section 3 is revoked.

3. Section 4 is renumbered section 3 and a new paragraph (e) is added to read as follows:

(e) On and after August 1, 1945, or at an earlier date if the Board does not have a sufficient supply of War Ration Books No. 3 to cover its issuance requirements, a War Ration Book No. 3 shall no longer be issued but special shoe stamps in lieu thereof shall be issued under the provisions of Section 5.

4. Section 5 is renumbered section 4 and is amended by adding a new paragraph (d) to read as follows:

(d) Before issuing a special shoe stamp to any person under the provisions of this order, the Board shall write the words "No book" on such stamp.

5. A new section 5 is added to read as follows:

Sec. 5. *Application after August 1, 1945.* (a) On and after August 1, 1945, application may be made on OPA Form R-129 by, or on behalf of any person who is eligible for but who has not received a War Ration Book No. 3 or a special shoe stamp in lieu thereof. The applicant, or his agent, must present the application in person at the War Price and Rationing Board for the place where the applicant lives or at any other Board designated by the Office of Price Administration. Only one application may be made for all members of a family unit who are eligible for but who have not received a War Ration Book No. 3, or a special shoe stamp in lieu thereof, but only one member of the family unit need apply in person at the Board, and if there is no adult member, the oldest member of the family unit or a responsible adult may appear. The applicant must fill out all the information called for by the form.

(b) If the Board finds that a person named in the application is eligible for but has not received a War Ration Book No. 3, or a special shoe stamp in lieu thereof, it shall issue a special shoe stamp to him. However, if the applicant, who is eligible under the provisions of this section, has been discharged from the armed forces of the United States, the Board shall issue two special shoe stamps to him. If prior approval has been granted by the Deputy Administrator for Rationing, the Board shall issue two special shoe stamps to any civilian American repatriate from an enemy prison camp who is eligible under the provisions of this section.

(c) If the Board, under the provisions of section 3 (e), issues special shoe stamps instead of War Ration Books No. 3 before August 1, 1945, it shall issue two special shoe stamps to any person (other than a person who has been discharged from the armed forces of the

United States or a civilian American repatriate from enemy prison camps) who is eligible under the provisions of this section. If special shoe stamps are being issued before August 1, 1945, under the provisions of section 3 (e) to applicants who have been discharged from the armed forces of the United States or to civilian American repatriates from enemy prison camps (where prior approval has been granted by the Deputy Administrator for Rationing) the Board shall issue three special shoe stamps to such applicants. (The extra special shoe stamp which is to be issued under the provisions of this paragraph, if application and issuance are made between the effective date of this amendment and August 1, 1945, is instead of the shoe stamp in War Ration Book No. 3 which is being validated on August 1, 1945.)

6. Section 8 (d) is amended to read as follows:

(d) Any person who has surrendered his War Ration Book No. 3 pursuant to paragraph (c) of this section, may apply for reissuance of the book through July 31, 1945 in accordance with the procedure prescribed by section 3, if his status changes so that the conditions which required the surrender of the book no longer exist. If, under the conditions of section 3 (e), special shoe stamps are being issued by the Board instead of War Ration Books No. 3 before August 1, 1945, application and issuance shall be made in accordance with the procedure prescribed by section 5.

7. Section 8 (e) is amended by adding a sentence to read as follows: "On and after August 1, 1945, the Board, in accordance with the provisions of section 4, shall issue two special shoe stamps in exchange for the War Ration Book No. 3 which was originally issued to the applicant. If the Board, under the conditions prescribed by section 3 (e), is issuing special shoe stamps instead of War Ration Books No. 3 before August 1, 1945, and application and issuance are made under the provisions of this section before August 1, 1945, the Board shall issue three special shoe stamps in exchange for the War Ration Book No. 3 which was originally issued to the applicant."

8. Section 9 is amended by inserting (a) at the beginning of the text and a new paragraph (b) is added to read as follows:

(b) A special shoe stamp, issued under the provisions of this order, may not be replaced under the provisions of Procedural Regulation No. 12.

9. A new section 12 is added to read as follows:

SEC. 12. *Wherever reference made to War Ration Book No. 3.* (a) Whenever special shoe stamps are being issued instead of War Ration Books No. 3 under the provisions of this order, the words "War Ration Book No. 3" wherever used in this order to refer to the eligibility for and the issuance of War Ration Book No. 3, shall be deemed to refer to the eligibility for and issuance of special shoe stamps.

This amendment shall become effective July 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 19th day of July 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-13114; Filed, July 19, 1945; 11:40 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 14, Amdt. 4]

WAR RATION BOOK FOUR

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

Section 8 (a) (3) is amended to read as follows:

(3) Notwithstanding any other provisions of this order, War Ration Book No. 3 need not be submitted when an application for War Ration Book Four is filed by any person.

This amendment shall become effective July 23, 1945.

Issued this 19th day of July 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-13115; Filed, July 19, 1945; 11:40 a. m.]

PART 1316—COTTON TEXTILES

[MPR 11, Amdt. 25]

FINE COTTON GOODS

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

Exception (i) to § 1316.3 (b) (1) is amended to read as follows:

(i) Grey goods delivered pursuant to contracts entered into during the period beginning April 16, 1945 and ending December 31, 1945 for use by prime contractors in fulfilling contracts entered into with the War Department calling for delivery of any of the finished fabrics, or of moisture vapor-proof wrapping material made in part of the marquisettes, designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its General Conservation Order M-317.

This amendment shall become effective July 18, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-13057; Filed, July 18, 1945; 4:44 p. m.]

¹ 8 F.R. 14211, 9 F.R. 6504, 11761.

² 9 F.R. 2661, 3557, 4879, 5162, 11531, 12020, 13056, 14850; 10 F.R. 1141, 3090, 6307.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 450, Amdt. 7]

WRITING PAPERS AND CERTAIN OTHER FINE PAPERS

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

Maximum Price Regulation 450 is amended in the following respects:

1. Section 4 (d) is amended by adding to the list of three categories of "Writing papers" and "certain other fine papers," a new category as follows: "Blotting papers".

2. In section 15, the introductory paragraphs are amended to read as follows:

SEC. 15. *Introductory pricing provisions.* This section states certain general pricing provisions which the manufacturer must consider along with the appropriate specific pricing provisions of Appendices A, B, C, D, E or F in order to determine the maximum prices that he may charge for the papers covered by this regulation. Appendix A contains specific pricing provisions concerning rag content writing papers; Appendix B concerns chemical woodpulp writing papers; Appendix C concerns unclassified grades of writing papers and certain other fine papers; Appendix D concerns blotting papers; Appendix E governs certain types of direct sales and Appendix F establishes a method of securing a maximum price which cannot be determined under any of the preceding Appendices of this Regulation.

The first step in determining the maximum price applicable to the sale of any such paper is to arrive at the maximum base price. To this maximum base price there may be added or shall be subtracted, as the case may be, all applicable differentials, charges, discounts, allowances and other pricing elements that customarily enter into a manufacturer's calculations of his selling price. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

In Appendices A, B and D are listed certain grades of papers for which specific dollar and cent maximum base prices are stated. Also listed in these Appendices are certain "related grades", maximum base prices for which shall be computed in accordance with the method set forth in paragraph (b) of this section 15. Differentials, charges, allowances and other pricing elements shall be determined by referring to this section 15 and to the pricing provisions contained in the paragraph of Appendix A, B, C, D, or E under which the maximum base price of the paper being priced has been determined. The provisions of this section 15 shall apply except where inconsistent with the pricing provisions of that paragraph, in

which case the latter provisions shall apply.

3. A new Appendix D is added which reads as follows:

APPENDIX D—MAXIMUM PRICES FOR BLOTTING PAPERS

The following maximum base prices are for standard weights, finishes and sizes for white and light colors, packed in cartons or bundles, in quantities of one carton to 10,000 pounds, f. o. b. destination; except that in those cases where it was the customary practice for the particular manufacturer during the period October 1, 1941 to March 1942 to omit the freight allowance for shipments under 200 pounds or minimum bill of lading charge he may continue to do so.

(a) *Base prices per cwt.*

| Grade | White or light colors | Deep colors | Standard weights 19 x 24-50 |
|-----------------------------|-----------------------|-------------|-----------------------------|
| 100% rag blotting.. | \$15.50 | \$17.50 | 60-80-100-120-140 |
| No. 1 blotting..... | 14.50 | 16.50 | 60-80-100-120-140 |
| No. 2 blotting..... | 12.50 | 13.75 | 60-80-100-120-140 |
| No. 3 blotting..... | 10.00 | 10.50 | 60-80-100-120-140 |
| Seed germinating..... | 12.50 | | 120 |
| Interleaving blotting..... | 17.50 | | 20 |
| Offset pasted blotting..... | 11.50 | | 100-120-140 |
| Enameled blotting..... | 11.50 | | 100-120-140 |
| Photographic blotting..... | 14.50 | | 100-120-140 |
| Half-tone blotting..... | 10.00 | 10.50 | 100-120-140 |

Related grades include but are not limited to offset coated and tablet blotting papers.

(b) *Differentials*—(1) *Quantity* 10,000 to 35,999 pounds assorted items one grade only—deduct 50¢ per cwt.; 36,000 pounds or more assorted items one grade only—deduct \$1.00 per cwt.

(2) *Finish* Embossing add \$1.00 per cwt.

(3) *Cutting and banding.* (i) *Cutting* On the following special sizes containing less than 288 square inches: apply in addition the charge shown against each item:

| | Per ream |
|--------------------------------------|----------|
| 19 x 24 into quarters or larger..... | \$0.15 |
| 19 x 24 to 4 x 9½ up to 9½ x 12..... | .50 |
| 19 x 24 to 3½ x 6 up to 4 x 9½..... | 1.00 |

(ii) *Banding* For banded stock the following charges apply in addition to any cutting charges:

| | Per ream |
|--|----------|
| In packages of 100 or more pieces..... | \$0.50 |
| In packages of 50 to 99 pieces..... | .75 |
| In packages of 25 to 49 pieces..... | 1.00 |
| In packages of 12 to 24 pieces..... | 1.25 |
| In packages of 8 to 11 pieces..... | 2.00 |
| In packages of less than 8 pieces..... | 2.50 |

(4) *Zone differentials*

Zone A Base price.
Zone B Base price plus 50¢ per cwt.
Zone C Base price plus \$1.00 per cwt.
Zone D Base price plus \$2.00 per cwt.
Zone E Base price applies F. O. B. Atlantic Ports.

Zone A Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Omaha, Nebraska, and Sioux Falls, South Dakota.

Zone B North Dakota, South Dakota (except Sioux Falls), Nebraska (except Omaha), Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida.

Zone C Wyoming, Colorado, and Texas.
Zone D Montana, Idaho, Utah, Nevada, Arizona and New Mexico.

Zone E Washington, Oregon and California.

4. The former Appendix D is redesignated as Appendix E and is amended to read as follows:

APPENDIX E—MAXIMUM PRICES FOR CERTAIN TYPES OF DIRECT SALES

(a) Notwithstanding anything contained in the Appendices A, B, C or D, any manufacturer who is making direct sales of any of the papers covered by this regulation and who performs services not generally performed by manufacturers and who has consequently customarily charged higher prices upon such sales than upon sales to merchants, may determine his maximum price for such sales under paragraph (b) below, *Providing*, He has filed with the Office of Price Administration in Washington, D. C., within thirty days from the date that this amendment becomes effective, a statement explaining to what extent he performs such services and explaining his system of mark-ups with respect to such direct sales. If a manufacturer has rendered such services and charged such higher prices only in particular areas or upon certain types of direct sales or to certain types of direct purchasers, he shall set forth these customary practices in reasonable detail. Any information already on file with the Office of Price Administration may be incorporated into the statement by reference. After filing this statement a manufacturer may determine his maximum price under paragraph (b) of this Appendix E for all direct sales covered by the statement, unless and until he is advised by the Office of Price Administration in writing that all or part of such sales must be priced under Appendices A, B, C or D. This paragraph is not applicable to sales which have been determined by the Office of Price Administration to be merchant sales, after the filing of an application for a ruling upon this question in the manner specified in section 16 (b) of Maximum Price Regulation 400.²

(b) The maximum price for direct sales by a manufacturer who has complied with the requirements of paragraph (a) of this Appendix E shall be determined as follows: The manufacturer shall determine the highest base price charged by him during the period October 1, 1941, through March 31, 1942, upon a sale of the same or a similar grade to the same purchaser or to a purchaser to whom manufacturer would customarily sell at the same price. The term "similar grade" has the meaning stated in Appendix C. The "maximum base price" is arrived at by taking the highest price charged and adjusting that price upward or downward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements that entered into the manufacturer's calculation of his selling price upon such direct sales during the period October 1, 1941, through March 31, 1942. To the maximum base price thus determined there shall be added or subtracted, as the case may be, any applicable differentials, discounts, charges, allowances; or other pricing elements as set forth in Section 15 of this regulation. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price for such direct sales; *Provided, however*, That upon sales of rag content bond, chemical woodpulp bond, opaque circular, and any grades related to the foregoing as specified in Appendices A and B, in basis weights of 16 pounds and lighter, there may be added an amount equal to 7½% of the maximum price permitted under this Appendix E upon sales of such paper in basis weight of 20 pounds, which amount shall be rounded out to the nearest 5¢ per cwt.

¹ 8 F.R. 11522, 14278; 9 F.R. 5803, 6711, 9090, 11397, 14981.

² 8 F.R. 7556, 11563; 9 F.R. 2289.

5. Appendix E is redesignated as Appendix F.

This amendment shall become effective July 24, 1945.

Issued this 19th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13111; Filed, July 19, 1945; 11:39 a. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES

[MPR 157,¹ Amdt. 19]

SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

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 1378.4 (e) is amended to read as follows:

(c) This Maximum Price Regulation No. 157 and the General Maximum Price Regulation shall not apply to:

(1) Any of the finished fabrics designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its General Conservation Order M-317 when sold and delivered to the War Department pursuant to prime contracts entered into during the period beginning April 16, 1945 and ending December 31, 1945.

(2) Grey goods sold and delivered pursuant to contracts entered into during the period beginning April 16, 1945 and ending December 31, 1945 for use by prime contractors in fulfilling contracts entered into with the War Department calling for delivery of any of the finished fabrics, or of moisture vapor-proof wrapping material made in part of the marquisettes, designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its General Conservation Order M-317.

This amendment shall become effective July 18, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13060; Filed, July 18, 1945; 4:44 p. m.]

PART 1389—APPAREL

[MPR 578,² Amdt. 5]

MAXIMUM PRICES FOR CERTAIN GARMENTS PRODUCED WITH WAR PRODUCTION BOARD PRIORITIES ASSISTANCE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

¹ 9 F.R. 11059; 10 F.R. 776, 1910, 2014, 6307.

² 10 F.R. 2388, 2756, 3052, 5794, 6960.

has been filed with the Division of the Federal Register.

Maximum Price Regulation 578 is amended in the following respects:

1. Section 1 (a) (1) is amended by inserting immediately following the word "shrouds," which is the last word in subdivision (vii), two new subdivisions as follows:

(viii) Order M-328B (Schedule C), issued July 3, 1945.

(ix) Order M-328B (Schedule D), issued July 6, 1945.

2. Section 1 (a) (2) (ii) is amended by deleting the phrase "or (vii)" in the two places when it appears and inserting in each place the phrase "(vii), (viii) or (ix)."

This amendment shall become effective July 23, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13063; Filed, July 18, 1945; 4:45 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118,¹ Amdt. 34]

COTTON PRODUCTS

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

Maximum Price Regulation No. 118 is amended in the following respects:

1. Section 1400.106 (b) (3) is added to read as follows:

(3) Grey goods delivered pursuant to contracts entered into during the period beginning July 14, 1945 and ending December 31, 1945 for use by prime contractors in fulfilling contracts entered into with the War Department calling for delivery of any of the finished fabrics designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its Conservation Order M-317.

2. Section 1400.106 (b) (4) is added to read as follows:

(4) Any of the finished fabrics designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its General Conservation Order M-317 when delivered to the War Department pursuant to prime contracts entered into during the period beginning July 14, 1945 and ending December 31, 1945.

This amendment shall become effective July 18, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13058; Filed, July 18, 1945; 4:44 p. m.]

¹ 8 F.R. 12186, 12934; 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1492, 2025, 3875, 3134.

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127,¹ Amdt. 33]

FINISHED PIECE GOODS

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

Maximum Price Regulation No. 127, including Amendment No. 32, is amended in the following respect:

Section 1400.78a (a) (15) is amended to read as follows:

(15) Any of the finished fabrics designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its General Conservation Order M-317 when delivered to the War Department pursuant to prime contracts entered into during the period beginning April 16, 1945 and ending December 31, 1945.

This amendment shall become effective July 18, 1945.

Issued this 18th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13059; Filed, July 18, 1945; 4:44 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [RMFR 373,² Amdt. 7]

FISH AND MOLASSES IN HAWAII

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

Revised Maximum Price Regulation 373 (§ 1418.151) is amended in the following respects:

1. Table A under Section 19 is amended by changing the items Aku (Tuna) and Akule to read as follows:

| | Producers' maximum price | Wholesalers' maximum price | Retailers' maximum price |
|---------------------------------|--------------------------|----------------------------|--------------------------|
| Aku (Tuna) except Honolulu..... | Per lb. \$0.29 | Per lb. \$0.32 | Per lb. \$0.40 |
| Akule except Honolulu..... | .29 | .32 | .40 |

and by adding one item following "Aku (Tuna)—except Honolulu" as follows:

Aku—Honolulu only..... .29 .33 .40

and by adding one item following "Akule—except Honolulu" as follows:

Akule—Honolulu only.... .29 .33 .40

2. Section 58 is amended to read as follows:

SEC. 58 *Maximum prices for molasses.* The maximum price for sales of molas-

¹ 9 F.R. 2464, 3031, 4029, 4879, 10088, 12020, 12636, 13067, 14014; 10 F.R. 412, 2014, 3093, 4816, 6308.

² 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069.

ses produced from sugar cane for all purposes shall be \$14.25 per ton, delivered at dock or customary shipping point. The maximum price for sales of molasses sold and delivered at the plantation where produced shall be \$14.25 per ton less the cost of transportation from the plantation to the dock or customary shipping point.

This amendment shall become effective as of July 1, 1945.

Issued this 19th day of July 1945.

JAMES G. ROGERS, JR.
Acting Administrator.

[F. R. Doc. 45-13110; Filed, July 19, 1945; 11:39 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 1, Amdt. 104]

ARMY ARCTIC EQUIPMENT

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

Revised Supplementary Regulation No. 1 is amended in the following respect:

1. Section 4.3 (k) is amended to read as follows: "(k) The following commodities:"

2. Section 4.3(k)(1) is amended to read as follows: "The following ski troop equipment: carbiners, ice axes, pitons (rock and ice) and ski bindings, but this exemption shall expire December 31, 1945."

This amendment shall become effective as of the 30th day of June 1945.

Issued this 19th day of July 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-13112; Filed, July 19, 1945; 11:39 a. m.]

Chapter XV—Board of War Communications

[Order 25-F]

PART 1720—TELEGRAPH SERVICE

Whereas, the Board of War Communications on 3 July 1942, requested the Federal Communications Commission to investigate the service being rendered in the telegraph field; and

Whereas, the Commission by its Order No. 103 dated 7 July 1942, undertook such an investigation into telegraph service and has forwarded its report together with its recommendations; and

Whereas, the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that immediate steps be taken to the end that the domestic telegraph industry shall be more closely geared to the war effort;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089 of 6 March 1942, pre-

scribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications; it is hereby ordered as follows:

Sec.

- 1720.1 Speed of service; office drag; routing time.
- 1720.2 Priorities for the handling of traffic.
- 1720.3 Standards for minimum use to control installation of teleprinter equipment.
- 1720.4 Leasing of telegraph circuits.
- 1720.5 Elimination of unnecessary circuits, facilities, and offices.
- 1720.6 Discontinuance of non-telegraphic services.
- 1720.7 Discontinuance of holiday greeting and congratulatory messages.
- 1720.8 Franks, deadhead and free service messages.
- 1720.9 Periodic reports of current state of telegraph service.

AUTHORITY: §§ 1720.1 to 1720.9, inclusive, issued under E. O. 9089, 3 CFR, Cum. Supp.

§ 1720.1 *Speed of service; office drag; routing time.* The domestic telegraph carriers should strive to attain the following service objectives in the handling of full-rate messages:

(a) In each office the office drag (the interval between the time a message first reaches the office (filing time or digit time as the case may be) and the completion of transmission at that office) shall average no more than seven minutes for at least 95% of the messages received in such office each hour and such office drag shall not exceed 15 minutes for any message in such 95%.

(b) Present routing times for business messages to be delivered by messenger shall be reduced 33⅓%.

§ 1720.2 *Priorities for handling of traffic.* The Federal Communications Commission is requested and authorized to develop a plan for revising the present system of priorities for the handling of urgent essential traffic, both governmental and non-governmental, and to report its specific recommendations to the Board.

§ 1720.3 *Standards for minimum use to control installation of teleprinter equipment.* The Federal Communications Commission is requested and authorized to prepare standards of minimum use to control present and future installations of teleprinter equipment for telegraph users including exemptions for equipment which serves a military necessity or a vital public need which cannot otherwise be met, and to report such standards to the Board together with its specific recommendations for regulation of such installations.

§ 1720.4 *Leasing of telegraph circuits.* The Federal Communications Commission is requested and authorized to formulate basic principles for regulating the present and future leasing of telegraph circuits to the end that no needed facilities shall be used for non-essential purposes, and to report such principles to the Board together with its specific recommendations for regulation of such leasing.

§ 1720.5 *Elimination of unnecessary circuits, facilities and offices.* The Fed-

eral Communications Commission is requested to study the possibilities for the elimination of unnecessary circuits, facilities and offices and to report to the Board its recommendations for closure of any such specific circuits, facilities or offices.

§ 1720.6 *Discontinuance of non-telegraphic services.* Effective 22 December 1942, domestic telegraph carriers shall discontinue all non-telegraphic services including but not limited to, errand, distribution, remittance, installment payments, shopping, and messenger service (except messenger service to telephone companies to call non-subscribers to the telephone), sale of traveler's checks, sale of mail money orders, and acceptance of express packages: *Provided, however,* That this paragraph shall not apply to participation by any domestic telegraph carrier in the furnishing of non-telegraphic services ordered through another carrier from outside of the continental United States.

§ 1720.7 *Discontinuance of holiday greeting and congratulatory messages.* Effective 22 December 1942, no domestic telegraph carrier shall accept for transmission any message both originating at and addressed to points within the continental United States of felicitation or congratulation, including but not limited to greetings for Christmas, New Year, Easter, Father's Day, Jewish New Year, Mother's Day, Thanksgiving, Valentine's Day, congratulations on the birth of a child, graduations, weddings, anniversaries and birthdays: *Provided, however,* That the provisions of this paragraph shall not apply to messages to or from members of the armed forces or Merchant Marine of the United States or its Allies.

§ 1720.8 *Franks, deadhead and free service messages.* The Federal Communications Commission is requested and authorized to develop a plan for the curtailment of the use of franks and deadhead messages and the elimination of "free service" messages and to report its specific recommendations to the Board.

§ 1720.9 *Periodic reports of current state of telegraph service.* Three months after the date of this order and periodically each three months thereafter the Commission is requested to report to the Board the current state of service being rendered by the telegraph industry together with any recommendations for improvement of such service in the interest of the war effort.

Subject to such further order as the Board may deem appropriate.

BOARD OF WAR COMMUNICATIONS,
PAUL A. PORTER,
Chairman.

Attest: June 28, 1945.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 45-13089; Filed, July 19, 1945; 9:44 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 287]

CALIFORNIA

REVOKING IN PART EXECUTIVE ORDER 8865 AND OPENING LANDS UNDER APPLICABLE LAWS

Correction

The date at the end of Federal Register document 45-12961, appearing at page 8911 of the issue for Wednesday, July 18, 1945, should read "July 6, 1945."

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

STANDARD BROADCAST APPLICATIONS

SUPPLEMENT TO STATEMENT OF POLICY

Supplement to the statement of policy issued on January 16, 1945 (10 F.R. 870, 1282), concerning application to make change in existing radio facilities.

Since the outbreak of war, due to the unavailability of materials and equipment, the Commission in licensing standard broadcast stations has found it necessary in some cases to permit operation with facilities that were not in full accordance with the standards of good engineering practice. In such instances a conditional clause was inserted in the license requiring the licensee, when equipment and materials become available, to apply for a change in facilities such as moving to a new site, installing frequency and modulation monitors, increasing its power or installing a new antenna.

The Commission is now in receipt of advice from the War Production Board that material and equipment are presently available or will shortly become available, for the construction contemplated by these conditional clauses. Accordingly, the Commission will direct each licensee in this category to make appropriate application for the necessary improvements specified in the license within 30 days of this date, except:

- (a) Where frequency monitor or modulation monitor is required,
- (b) Where two stations are operating with a common antenna or from a joint studio.

Dated: July 17, 1945.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-13084; Filed, July 19, 1945; 11:15 a. m.]

Notices

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 93]

NEW YORK STATE EMPLOYERS ASSN.

FINDING AS TO CONTRACT IN PROSECUTION OF THE WAR

In the matter of New York State Employers Association, Syracuse, New York; Case No. S-2309.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local No. 693 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and members of the New York State Employers Association, Syracuse, New York, engaged in transportation of commodities in and around Binghamton, New York,

I find that motor vehicle transportation of goods, articles and commodities by any concern involved in the above dispute, pursuant to any contract whether or not with the United States, to or from any plant, mine or facility equipped for manufacturing, producing or mining any articles or materials which may be required or useful in connection with the prosecution of the war, or to or from any establishment engaged in wholesaling or storing any such articles or materials, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 17th day of July 1945.

L. B. SCHWELLENEBACH,
Secretary of Labor.

[F. R. Doc. 45-13054; Filed, July 18, 1945; 4:01 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket SA-104]

ACCIDENT OCCURRING NEAR LAMAR, S. C.
NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 25647, which occurred near Lamar, South Carolina, on July 12, 1945.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Saturday, July 21, 1945, at 10:00 a. m., e. w. t., in the County Court House Building, Miami, Florida.

Dated at Washington, D. C., July 18, 1945.

JOHN M. CHAMBERLAIN,
Acting Director, Safety Bureau.

[F. R. Doc. 45-13109; Filed, July 19, 1945; 11:37 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-646]

CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

JULY 17, 1945.

Notice is hereby given that on June 23, 1945, Canadian River Gas Company (Applicant), a Delaware corporation filed its application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate the following described facilities:

(1) Two additional 600 h. p. gas engine driven natural gas compressors and including additional building, water circulating system, gas header connections, gas cooling equipment,

(2) One 210 h. p. gas engine driven generator and other necessary auxiliary equipment; all of above to be installed at Applicant's Bivins Compressor Station.

The above facilities are to include necessary foundations, water piping, fittings and other necessary miscellaneous items.

Applicant asserts that no additional business will result from the installation of the proposed facilities. It is further asserted by the Applicant that the sole purpose of the proposed facilities is to make certain that deliveries to Colorado Interstate Gas Company may be maintained on peak days.

The over-all cost of the project is estimated to be \$250,165.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of August, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-13082; Filed, July 19, 1945; 9:43 a. m.]

[Docket No. IT-5954]

NEBRASKA POWER CO.

ORDER SETTING HEARING

JULY 17, 1945.

It appears that:

(a) Nebraska Power Company, a Maine corporation, having its principal business office at Omaha, Nebraska ("Applicant"), on June 21, 1945, filed an application seeking an order authorizing it to issue its bonds and notes, pursuant to section 204 of the Federal Power Act.

(b) The proposed bonds are to be First Mortgage Bonds, 3% Series, Due 1955, in the principal amount of \$7,000,000, to be dated as of May 15, 1945, and to mature May 15, 1955, and to be secured by the mortgage and deed of trust of the Applicant to Guaranty Trust Company of New York and M. P. Callaway, as Trustees, dated as of June 1, 1931, and indentures supplemental thereto.

(c) The proposed notes are to be Serial Notes in the aggregate principal amount of \$7,000,000, bearing interest at the rate of 2½% per annum, to be dated as of the date of issue thereof, which

will be not later than September 1, 1945, to mature \$125,000 on December 1, 1945, and a like principal amount at the expiration of each three months thereafter for eight additional successive installments, and the balance to mature on January 1, 1948. The notes are to be secured by the pledge of the bonds referred to in paragraph (b), above.

(d) The bonds and notes are to be issued to secure funds which, with other monies available in the possession of the applicant, will enable it to redeem all of its outstanding 7% Cumulative Preferred Stock and all of its outstanding 6% Cumulative Preferred Stock.

(e) By agreement dated December 26, 1944, between Central West Irrigation Company (now known as Omaha Electric Committee, Inc.) and applicant, applicant purported, among other things, to lease to Central West Irrigation Company certain items of property which may include facilities subject to the jurisdiction of this Commission having a value in excess of \$50,000. No authorization by this Commission was applied for or granted and such authorization may have been required by section 203 of the Federal Power Act.

(f) The agreement referred to in paragraph (e), above, contains provisions for the sale, purchase and interchange of electric energy which may affect or relate to rates, charges, classifications or services for transmission of sale of electric energy subject to the jurisdiction of this Commission. The agreement has not been filed with the Federal Power Commission as a rate schedule in compliance with the requirements of section 205 of the Federal Power Act and the Commission's rules of practice and regulations thereunder and such filing may have therefore been required thereunder.

(g) By agreement dated December 26, 1944, between Central West Irrigation Company, Loup River Public Power District, and Applicant, the Central West Irrigation Company purported to assign to Loup River Public Power District all of its right, title and interest under and pursuant to the agreement referred to in paragraph (e), above. This agreement of assignment was not authorized by this Commission under section 203 of the act and was not filed with this Commission as a rate schedule in compliance with the requirements of section 205 of the act and the Commission's rules of practice and regulations thereunder and such authorization and filing may have been required.

(h) By letter dated June 30, 1945, applicant was advised that its application filed June 21, 1945, appeared deficient in that it made no showing in compliance with the requirements of paragraph K of § 34.2 of the Commission's rules of practice and regulations, as amended, relating to underwriters' and finders' fees. Applicant's attention was also directed to the matters referred to in paragraphs (e) to (g), inclusive, above, and the apparent necessity for appropriate action to restore the situation which existed before the agreements of December 26, 1944, and for making application under

section 203 and filings under section 205 of the act.

(i) No amendment in compliance with the Commission's rules has been submitted in response to the letter referred to in paragraph (h) and no application or filing made to rectify the situation resulting from the indicated violations of sections 203 and 205 of the act. The attorney for the applicant has by letter under date of July 5, 1945, stated the applicant's position with reference thereto, contending that no underwriters' or finders' fees are to be paid and that it is neither appropriate nor desirable for any questions concerning the agreements referred to in paragraphs (e) and (f) above, to be submitted to the Commission at this time.

(j) Written notice of the application filed June 21, 1945, has been duly given to the Nebraska State Railway Commission, Iowa State Commerce Commission and to the governors of each of those States. Notice of the application was also published in the FEDERAL REGISTER June 23, 1945, stating that any person desiring to be heard or to make any protest with reference to the application should file a petition or protest on or before July 7, 1945.

(k) On July 6, 1945, Chemical Bank & Trust Company, as Successor Trustee under the Debenture Bond Agreement under which the applicant's 6% Gold Debenture Bonds, Series A, Due 2022, were issued, filed a protest against the granting of the application.

(l) On July 7, 1945, Omaha Ice & Cold Storage, Incorporated, a Delaware corporation, on its own behalf as a user of electric power and energy and on behalf of all other users of electric power and energy, served by applicant, filed a protest against the granting of the application.

The Commission finds that:

It is appropriate to carry out the provisions of the Federal Power Act that a public hearing be held as hereinafter provided.

The Commission orders that:

(A) A public hearing be held commencing on August 8, 1945, at 10:00 a. m. (c. w. t.) in North Court Room, Third Floor, Post Office Building, 16th and Dodge, Omaha, Nebraska, respecting the matters involved and the issues presented in this proceeding.

(B) At the hearing, applicant shall present evidence in support of its application and shall, in any event, show cause, if any there be, why the Commission should not find and determine that the agreements referred to in paragraphs (e) to (g), inclusive, above, insofar as they involve the lease or disposition of facilities and the sale, purchase or interchange of electric energy, were subject to the requirements of sections 203 and 205 of the Federal Power Act and the rules of practice and regulations thereunder, and why the Commission should not issue such order with respect thereto as it may find necessary or appropriate to carry out the provisions of that act.

(C) Interested State Commissions may participate in said hearing as provided

in § 39.4 of the rules of practice and regulations of the Commission under the Federal Power Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-13130; Filed, July 19, 1945; 12:01 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 580, Order 86]

FORT PITT BEDDING CO.

ESTABLISHMENT OF MAXIMUM PRICES

Establishing ceiling prices at retail for branded articles; Docket No. 6063-580-13-82.

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 Fort Pitt Bedding Company, Liverpool, Preble and Franklin Streets (North Side), Pittsburgh, Pa. and described in the manufacturer's application dated April 16, 1945.

| Article | Brand name | Manufacturer's price line | Ceiling price at retail |
|-----------------|-----------------|---------------------------|-------------------------|
| Mattress..... | Dream King..... | \$21.00 | \$39.50 |
| Box spring..... | do..... | 21.00 | 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 31, 1945, Fort Pitt Bedding 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 July 18, 1945.

Issued this 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13022; Filed, July 17, 1945; 5:01 p. m.]

[Order 84 Under Order 375 of 3 (b)]

CAYOL FOODS

AUTHORIZATION OF MAXIMUM PRICES

Order No. 84 under Order No. 375 of Section 1499.3 (b) of the General Maximum Price Regulation. Cayol Foods, Docket No. 6033; 2-GMPR-ORD 375-177.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

Authorization of maximum prices governing sales of certain packaged confectionery items processed by Cayol Foods, 626 Third Avenue, North, Minneapolis, Minnesota.

(a) The maximum delivered prices which may be charged by any seller for sales as indicated below of "Cayol Honey Dipped Fruit Boxes," a packaged confectionery item processed by Cayol Foods, 626 Third Avenue, North, Minneapolis, Minnesota, in accordance with its price application dated May 15, 1945, shall be the sums following:

| Sales | Sizes | | | |
|-----------------------------|--------|--------|--------|--------|
| | ½ lb. | 1 lb. | 1½ lb. | 3 lb. |
| To retailers, per item..... | \$0.45 | \$0.84 | \$1.22 | \$2.35 |
| To consumers, per item..... | .68 | 1.26 | 1.83 | 3.53 |

(b) Cayol Foods may make substitutions in its various formulae provided that any fruit or nut used as a substitution be of at least equal cost to the item it replaces at the time of substitution.

(c) The prices established in this order are the highest prices for which these items may be sold to the respective purchasers. All sellers, on sales of these items, shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable candy items. In the application of any customary differentials, the specific maximum prices established by this order shall not be exceeded.

(d) Cayol Foods shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers, the following notice:

On July 18, 1945 the Office of Price Administration authorized us to sell "Cayol Honey Dipped Fruit Boxes" to retailers in the following sizes at the following maximum delivered prices, per item:

½ lb. size, \$0.45, 1 lb. size, \$0.84; 1½ lb. size, \$1.22; 3 lb. size, \$2.35.

Retailers are authorized to sell these sizes to consumers at the respective maximum prices of \$0.68, \$1.26, \$1.83 and \$3.53 per item. On sales of these items, all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of comparable candy items. The maximum prices contained in this notice will become invalid seven months after the date set forth in the first line of this notice.

(e) This order may be revoked or amended at any time by the Price Administrator.

(f) This Order No. 84 shall become effective July 18, 1945, and shall expire seven months thereafter. Thirty days prior to the expiration date of the order, Cayol Foods may submit actual cost figures experienced during the effective period of this order and request the re-establishment of maximum prices.

Issued this 17th day of July 1945.

This action has the prior written approval of the Secretary of Agriculture.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13017; Filed, July 17, 1945; 5:00 p. m.]

[MPR 120, Amdt. 3 to Order 1343]

BITUMINOUS COAL IN DISTRICT 3

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1343 under Maximum Price Regulation No. 120 is amended in the following respect:

In the table of maximum price exceptions in paragraph (1), the mine index number "255", the mine name "Insull", the subdistrict number "2" and the maximum prices thereafter are deleted.

This amendment to Order No. 1343 shall become effective July 27, 1945.

Issued this 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13010; Filed, July 17, 1945; 4:56 p. m.]

[MPR 120, Amdt. 4 to Order 1343]

BITUMINOUS COAL IN DISTRICT 3

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1343 under Maximum Price Regulation No. 120 is amended in the following respect:

In footnote 6 below the table of maximum prices the date "7/18/45" is deleted and "1/18/46" is inserted in lieu thereof.

This Amendment No. 4 to Order No. 1343 under Maximum Price Regulation No. 120 shall become effective July 18, 1945.

Issued this 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13019; Filed, July 17, 1945; 5:00 p. m.]

[MPR 120, Cor. to Order 1406]

SANDERSON COAL CO. ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 1406 under Maximum Price Regulation No. 120 is corrected in the following respect:

In the item for the Barston Fork Coal Company the subdistrict number "5" is deleted and "8" is inserted in lieu thereof.

This correction shall become effective July 17, 1945.

Issued this 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13009; Filed, July 17, 1945; 4:56 p. m.]

[MPR 120, Order 1421]

CHERRY VALLEY COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel, are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river, the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

CHERRY VALLEY COAL CO., c/o B. M. MOORE, 1620 BEECHWOOD BLYD., PITTSBURGH, PA., CHERRY MINE, UPPER KITTANNING SEAM, MINE INDEX NO. 4351, BUTLER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT, HILLIARDS, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 2

Table with 11 columns (Size group Nos. 1-11) and 4 rows (Price classification, Rail shipment, Railroad fuel, Truck shipment) for Cherry Valley Coal Co.

FLECK BROTHERS COAL CO., CARNEGIE, PA., FLECK NO. 3 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4358, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, ALL BY TRUCK, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Table with 11 columns (Size group Nos. 1-11) and 1 row (Truck shipment) for Fleck Brothers Coal Co.

FRANCIS COAL CO., 473 ALICE ST., EAST PALESTINE, OHIO, MCCARTER MINE, NO. 6 SEAM, MINE INDEX NO. 4357, BEAVER COUNTY, PA., SUBDISTRICT 1, ALL BY TRUCK, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

Table with 11 columns (Size group Nos. 1-11) and 1 row (Truck shipment) for Francis Coal Co.

GLASS RUN COAL CO., INC., 54 SUNSET DRIVE, R. D. NO. 11, PITTSBURGH, PA., WILLOCK NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4362, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, ALL BY TRUCK, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Table with 11 columns (Size group Nos. 1-11) and 1 row (Truck shipment) for Glass Run Coal Co.

PENNSYLVANIA REFINING CO., KARNS CITY, PA., DONALDSON MINE, UPPER KITTANNING SEAM, MINE INDEX NO. 4363, BUTLER COUNTY, PA., SUBDISTRICT 1, ALL BY TRUCK, STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 2

Table with 11 columns (Size group Nos. 1-11) and 1 row (Truck shipment) for Pennsylvania Refining Co.

WILLIAM PICCOLOMINI, 213 WASHINGTON AVE., CORNELLSVILLE, PA., REDSTONE NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4346, FAYETTE COUNTY, PA., SUBDISTRICT 9, ALL BY TRUCK, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 7

Table with 11 columns (Size group Nos. 1-11) and 1 row (Truck shipment) for William Piccolomini.

L. W. OVERLY, R. D. NO. 1, MT. PLEASANT, PA., OVERLY MINE, PITTSBURGH SEAM, MINE INDEX NO. 4349, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, SMITHTON, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP A, MAXIMUM TRUCK PRICE GROUP NO. 8

Table with 11 columns (Size group Nos. 1-11) and 4 rows (Price classification, Rail shipment, Railroad fuel, Truck shipment) for L. W. Overly.

WILLIAMS COAL CO., GEORGE W. WILLIAMS, ELIZABETH, PA., WILLIAMS NO. 3 MINE, REDSTONE SEAM, MINE INDEX NO. 4355, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, ALL BY TRUCK, DEEP AND STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Table with 11 columns (Size group Nos. 1-11) and 3 rows (Truck shipment, Strip mined, Deep mined) for Williams Coal Co.

This order shall become effective July 18, 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 17th day of July 1945.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 45-13007; Filed, July 17, 1945; 4:57 p. m.]

[MPR 120, Order 1422]

KIEFER COAL MINING CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and

the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping

point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

KIEFER COAL MINING CO., 241 MARKET ST., CLEARFIELD, PA., HOPE NO. 1 MINE, B SEAM, MINE INDEX NO. 5413, CLEARFIELD COUNTY, PA., SUBDISTRICT 8, RAIL SHIPPING POINT, GRAHAM, PA., STRIP MINE

Table with 5 columns (Size group Nos. 1-5) and 4 rows (Price classification, Rail shipment, Railroad locomotive fuel, Truck shipment) for Kiefer Coal Mining Co.

KIEFER COAL MINING CO., 241 MARKET ST., CLEARFIELD, PA., HOPE NO. 2 MINE, A SEAM, MINE INDEX NO. 5414, CLEARFIELD COUNTY, PA., SUBDISTRICT 8, RAIL SHIPPING POINT, GRAHAM, PA., STRIP MINE

Table with 5 columns (Size group Nos. 1-5) and 4 rows (Price classification, Rail shipment, Railroad locomotive fuel, Truck shipment) for Kiefer Coal Mining Co.

LEBANON FUEL CO., c/o FRED M. MCINTYRE, JAMISON BLDG., GREENSBURG, PA., LEBANON NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 5421, INDIANA COUNTY, PA., SUBDISTRICT 22, RAIL SHIPPING POINT, WEST LEBANON, PA., DEEP AND STRIP MINE

Table with 5 columns (Size group Nos. 1-5) and 4 rows (Price classification, Rail shipment, Railroad locomotive fuel, Truck shipment) for Lebanon Fuel Co.

The foregoing maximum prices apply to strip-mined coal. To determine the maximum prices for deep-mined coal add 18c per ton to each of the foregoing maximum prices.

MARION COAL CO., % FAUX BOUCHER, BEAVERDALE, PA., FRANCIS NO. 3 MINE, D SEAM, MINE INDEX NO. 5435, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, SAVAN, PA., DEEP MINE

Table with 5 columns (Size group Nos. 1-5) and 4 rows (Price classification, Rail shipment, Railroad locomotive fuel, Truck shipment) for Marion Coal Co.

MARION COAL CO., % FAUX BOUCHER, BEAVERDALE, PA., FRANCIS NO. 4 MINE, C/SEAM, MINE INDEX NO. 5436, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, SAVAN, PA., DEEP MINE

Table with 5 columns (Size group Nos. 1-5) and 4 rows (Price classification, Rail shipment, Railroad locomotive fuel, Truck shipment) for Marion Coal Co.

MILLER & CORRIE, ROBERTSDALE, PA., RAY'S HILL MINE NO. 1 MINE, FULTON SEAM, MINE INDEX NO. 5424, HUNTINGDON COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT, JOLLER, PA., STRIP MINE

Table with 5 columns (Size group Nos. 1-5) and 2 rows (Price classification, For all methods of shipment and all uses) for Miller & Corrie.

MILLER & CORRIE, ROBERTSDALE, PA., RAY'S HILL NO. 2 MINE, BARNETT SEAM, MINE INDEX NO. 5425, HUNTINGDON COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT, JOLLER, PA., STRIP MINE

Table with 5 columns (Size group Nos. 1-5) and 2 rows (Price classification, For all methods of shipment and all uses) for Miller & Corrie.

EVERETT MOORE COAL CO., PUNXSUTAWNEY, PA., MOORE No. 6 MINE, D SEAM, MINE INDEX No. 5415, JEFFERSON COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT, FALLS CREEK, PA., STRIP MINE

| | Size group Nos. | | | | |
|-------------------------------|-----------------|-----|-----|-----|-----|
| | 1 | 2 | 3 | 4 | 5 |
| Price classification..... | E | F | E | E | E |
| Rail shipment..... | 355 | 335 | 335 | 315 | 315 |
| Railroad locomotive fuel..... | 320 | 320 | 305 | 295 | 295 |
| Truck shipment..... | 365 | 340 | 340 | 330 | 320 |

PITT FUEL SUPPLY CO., SAXTON, PA., LOUISE MINE, FULTON SEAM, MINE INDEX No. 5427, BEDFORD COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT, SHOUFFS BRANCH (H. & B. T.), DEEP MINE

| | Size group Nos. | | | | | Smithing coal (any size) |
|---|-----------------|-----|-----|-----|-----|--------------------------|
| | 1 | 2 | 3 | 4 | 5 | |
| Price classification..... | B | B | B | B | C | ----- |
| For all methods of shipment and all uses..... | 443 | 443 | 408 | 383 | 368 | 493 |

This order shall become effective July 18, 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 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13008; Filed, July 17, 1945; 4:57 p. m.]

[MPR 120, Order 1423]

JOHN BALOG COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, it is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 4. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point.

In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping

point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

JOHN BALOG COAL CO., BOX 124, MAYNARD, OHIO, BALOG No. 2 MINE, No. 8 SEAM, MINE INDEX No. 4170, BELMONT COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, DEEP MINE, RAIL SHIPPING POINT, CRESCENT, OHIO

| | Size group Nos. | | | | | | | | | | | | |
|---------------------------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| | 1 | 2 | 3 | 3A | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Rail shipments and railroad fuel..... | 331 | 331 | 311 | 311 | 311 | 311 | 296 | 261 | 251 | 286 | ----- | ----- | 296 |
| Truck shipment..... | 386 | 386 | 386 | 346 | 346 | 316 | 316 | 291 | 281 | 316 | ----- | ----- | 316 |

BROOKSIDE COAL CO., % EARL NORMAN, BLAINE, OHIO, BROOKSIDE MINE, No. 8 SEAM, MINE INDEX No. 4163, BELMONT COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, DEEP MINE, RAIL SHIPPING POINT BRIDGEFORD, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 331 | 331 | 311 | 311 | 311 | 311 | 296 | 261 | 251 | 286 | ----- | ----- | 296 |
| Truck shipment..... | 386 | 386 | 386 | 346 | 346 | 316 | 316 | 291 | 281 | 316 | ----- | ----- | 316 |

GIBBS MOTOR MINING CO., 164 S. BROADWAY, NEW PHILADELPHIA, OHIO, GIBBS No. 5 MINE, No. 5 SEAM, MINE INDEX No. 4167, TUSCARAWAS COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS, 4A FOR TRUCK SHIPMENTS, STRIP MINE, RAIL SHIPPING POINT, SUGAR CREEK, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | ----- | 290 |
| Truck shipment..... | 375 | 375 | 375 | 355 | 355 | 305 | 305 | 300 | 290 | 305 | ----- | ----- | 305 |

GIBBS MOTOR AND MINING CO., 164 S. BROADWAY, NEW PHILADELPHIA, OHIO, GIBBS No. 6 MINE, No. 6 SEAM, MINE INDEX No. 4168, TUSCARAWAS COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS, 4A FOR TRUCK SHIPMENTS, STRIP MINE, RAIL SHIPPING POINT, SUGAR CREEK, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | ----- | 290 |
| Truck shipment..... | 350 | 350 | 350 | 320 | 320 | 280 | 280 | 255 | 245 | 280 | ----- | ----- | 280 |

THE JEFFERSON COAL CO., 1300 LEADER BLDG., CLEVELAND 14, OHIO, CROW HOLLOW No. 5 MINE, No. 8 SEAM, MINE INDEX No. 4161, HARRISON COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT, HOPEDALE, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 305 | 305 | 285 | 285 | 285 | 285 | 270 | 235 | 225 | 260 | 210 | ----- | 270 |
| Truck shipment..... | 350 | 350 | 350 | 310 | 310 | 280 | 280 | 255 | 245 | 280 | ----- | ----- | 280 |

MARSHALL COAL CO., RUSH RUN, OHIO, MARSHALL MINE, No. 8 SEAM, MINE INDEX No. 4171, JEFFERSON COUNTY, OHIO, SUBDISTRICT 1 FOR ALL METHODS OF SHIPMENTS, STRIP MINE, RAIL SHIPPING POINT: BRILLIANT, OHIO

| | | | | | | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail and river shipments and railroad fuel..... | 305 | 305 | 285 | 285 | 285 | 285 | 270 | 235 | 225 | 260 | 210 | ----- | 270 |
| Truck shipment..... | 350 | 350 | 350 | 310 | 310 | 280 | 280 | 255 | 245 | 280 | ----- | ----- | 280 |

NURI COAL CO., c/o UNITED FUEL CO., AGENT FIRST CENTRAL TOWER, AARON, OHIO, NURI MINE, No. 5 SEAM, MINE INDEX No. 4164, JEFFERSON COUNTY, OHIO, SUBDISTRICT 3 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT, BERGHOLTZ, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | ----- | 290 |
| Truck shipment..... | 350 | 350 | 350 | 310 | 310 | 280 | 280 | 255 | 245 | 280 | ----- | ----- | 280 |

PORT WASHINGTON COAL CO., PORT WASHINGTON, OHIO, No. 1 MINE, No. 6 SEAM, MINE INDEX No. 4166, TUSCARAWAS COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS, 4A FOR TRUCK SHIPMENTS, STRIP MINE, RAIL SHIPPING POINT, NEW COMERSTOWN, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | ----- | 290 |
| Truck shipment..... | 350 | 350 | 350 | 320 | 320 | 280 | 280 | 255 | 245 | 280 | ----- | ----- | 280 |

SUNNYSIDE COAL MINING CO., R. D. No. 2, DARLINGTON, PA., COLUMBIANA MINE, No. 6 SEAM, MINE INDEX No. 4162, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS, 4 C FOR TRUCK SHIPMENTS, STRIP MINE, RAIL SHIPPING POINT, EAST PALESTINE, OHIO.

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | ----- | 290 |
| Truck shipment..... | 375 | 375 | 375 | 335 | 335 | 305 | 305 | 270 | 260 | 305 | ----- | ----- | 305 |

ELMER O. VOGT COAL MINES, 846 WELLMAN AVENUE, MASSILLON, OHIO, LEBANON MINE, No. 6 SEAM, MINE INDEX No. 4159, WAYNE COUNTY, OHIO, SUBDISTRICT 4 FOR RAIL SHIPMENTS, 4D FOR TRUCK SHIPMENTS, STRIP MINE, RAIL SHIPPING POINT, BREWSTER, OHIO

| | | | | | | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| Rail shipments and railroad fuel..... | 325 | 325 | 310 | 310 | 310 | 310 | 290 | 250 | 240 | 280 | 235 | ----- | 290 |
| Truck shipment..... | 350 | 350 | 350 | 320 | 320 | 290 | 290 | 255 | 245 | 290 | ----- | ----- | 290 |

ZANE MINING CO., c/o GEO. H. SNYDER, 300 FIRST NAT. BANK BLDG., ZANESVILLE, OHIO, ZANE MINING CO., MINE, No. 6 SEAM, MINE INDEX No. 4165, PERRY COUNTY, OHIO, SUBDISTRICT 6 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT, ROSEVILLE, OHIO

| | Size group Nos. | | | | | | | | | | | | |
|---------------------------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| | 1 | 2 | 3 | 3A | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Rail Shipments and railroad fuel..... | 325 | 325 | 295 | 295 | 295 | 295 | 285 | 245 | 245 | 250 | 210 | | 250 |
| Truck shipment..... | 360 | 360 | 360 | 320 | 320 | 265 | 265 | 230 | 230 | 265 | | | 265 |

BARNES BROTHERS COAL CO., R. F. D. No. 1 NEW LEXINGTON, OHIO, BARNES MINE, No. 5 AND No. 6 SEAM, MINE INDEX No. 4169, PERRY COUNTY, OHIO, SUBDISTRICT 6 FOR ALL METHODS OF SHIPMENT, STRIP MINE, RAIL SHIPPING POINT, DIXIE, OHIO

| | Size group Nos. | | | | | | | | | | | | |
|---------------------------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-------|-----|
| | 1 | 2 | 3 | 3A | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Rail shipments and railroad fuel..... | 325 | 325 | 295 | 295 | 295 | 295 | 285 | 245 | 245 | 250 | 210 | | 250 |
| Truck shipment..... | 360 | 360 | 360 | 320 | 320 | 265 | 265 | 230 | 230 | 265 | | | 265 |

This order shall become effective July 18, 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 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13011; Filed, July 17, 1945; 4:56 p. m.]

[MPR 120, Order 1424]

THORNHILL COAL CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in

accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

(a) The Thornhill No. 2 Mine of Thornhill Coal Company is hereby assigned Mine Index No. 2040 and its coals are classified in Production Group No. 2 of District No. 15.

(b) Coals produced by Thornhill Coal Company from the Baxter Seam at its Thornhill No. 2 Mine, Mine Index No. 2040, located in Vernon County, Missouri in Production Group No. 2 of District No. 15, pursuant to § 1340.226 of Maximum Price Regulation No. 120, may be purchased and sold for the indicated movements at cents per net ton not exceeding the following:

| | Size group Nos. | | | | | | | | | | |
|-------------------------------|-----------------|-----|-----|-----|-----|-----|--------|--------|-----|-----|--|
| | 1, 2, 3, 4 | 5 | 6 | 7 | 8 | 9 | 10, 11 | 12, 13 | 14 | 15 | |
| Truck or wagon shipments..... | 329 | 304 | 289 | 274 | 269 | 289 | 264 | 249 | 229 | 114 | |

(c) The prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(f) The price classification and mine index number assigned herein are permanent, but the maximum prices may be changed by order or amendment.

This order shall become effective July 18, 1945.

Issued this 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13020; Filed, July 17, 1945; 5:00 p. m.]

[RMPR 136, Order 473]

CHESTER DAIRY SUPPLY CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 473 under Revised Maximum Price Regulation 136. Machines, parts

and industrial equipment, Chester Dairy Supply Company; Docket No. 6083-136.21-364.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, It is ordered:

(a) The maximum prices for sales by Chester Dairy Supply Company, Chester, Pennsylvania of the following milk handling equipment shall be determined as follows: The manufacturer shall increase the list price it had in effect just prior to the issuance of this order by the following percentage, and shall deduct from the resultant list prices, all discounts, allowances and other deductions that it had in effect to a purchaser of the same class on October 1, 1941:

| Groups: | Percentage of increase |
|------------------------------------|------------------------|
| Heaters..... | 6.0 |
| 1" coolers..... | 18.5 |
| Coolers, other than 1"..... | 6.0 |
| Miscellaneous dairy equipment..... | 6.5 |

(b) The maximum prices for sales by resellers of milk handling equipment manufactured by Chester Dairy Supply Company, shall be determined as follows: The resellers shall add to the max-

imum net price he had in effect to a purchaser of the same class just prior to the issuance of this order the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted by this order.

(c) Chester Dairy Supply Company shall notify each purchaser who purchases milk handling equipment from Chester Dairy Supply Company for resale of the dollars-and-cents amount by which this order permits the reseller to increase his maximum net price. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) On or before December 25, 1945, Chester Dairy Supply Company shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., a profit and loss statement for the period October 31, 1944 to October 31, 1945, inclusive, showing:

(1) Sales and costs separately for each of the four groups of dairy equipment.

(2) The dollar amount of sales of each group due to the increase permitted by this adjustment.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 18, 1945.

Issued this 17th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-13018; Filed, July 17, 1945; 5:00 p. m.]

WAR PRODUCTION BOARD.

[C-341, Revocation]

JACOB MILLER CO. AND MORRIS GORDON & SON, INC.

CONSENT ORDER

Pursuant to an agreement between the above-named parties, the Regional Compliance Manager and the Regional Attorney, Consent Order No. C-341 was issued May 19, 1945, in consequence of a violation of Conservation Order L-41. Jacob Miller Company and Morris Gordon & Son, Incorporated have applied for revocation of the consent order with the approval of the Regional Compliance Manager and Regional Attorney.

Accordingly, the Director of the Compliance Division and the Office of General Counsel have determined that the occasion for Consent Order C-341 no longer exists, and therefore, it is hereby revoked.

Issued this 19th day of July 1945.

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

[F. R. Doc. 45-13092; Filed, July 19, 1945; 11:45 a. m.]