THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 11 NUMBER 2

Washington, Thursday, January 3, 1946

The President

– EXECUTIVE ORDER 9671

RESTORING CERTAIN LANDS TO THE TERRITORY OF HAWAII

WHEREAS the following-described lands in the Territory of Hawaii were set aside for the uses and purposes of the United States Department of Agriculture as an experiment station by proclamation of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901; by proclamation of the Governor of Hawaii, J. B. Poindexter, dated April 6, 1937; by proclamation of the Governor of Hawaii, W. R. Farrington, dated June 15, 1925; and by Presidential Executive Order No. 1181, dated March 25, 1910; and

WHEREAS these lands are no longer needed for the uses and purposes of the United States Department of Agriculture as an experiment station, but are needed by the Territory of Hawaii for use, together with other adjacent lands already in control of that government, as home sites for the people of Hawaii:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered that the lands within the following-described boundaries be, and they are hereby, restored to the possession, use, and control of the Government of the Territory of Hawaii:

PART 1—Land situate on the northwest side of Auwaiolimu Street and north of Nehoa Street, Honolulu, Oahu.

Beginning at a 1½ inch galvanized iron pipe on the boundary between the lands of Auwaiolimu and Kewalo, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1135.50 feet North and 2556.80 feet East, as shown on Government Survey Registered Map 2985, and running thence by azimuths measured clockwise from True South:—

1. 231°12′ 51.71 feet along the Auwaiolimu-Kewalo boundary to the southwest side of Auwaiolimu Street;
2. 322°30′ 493.99 feet along the southwest side of Auwaiolimu Street;
3. 232°30′ 20.00 feet along the southwest side of Auwaiolimu Street;
4. 322°30′ 134.55 feet along the southwest side of Auwaiolimu Street;
5. Thence on a curve to the right with a radius of 1116.28 feet, along same, the chord azimuth and distance being 339°30′ 652.74 feet;
6. 356°30′ 279.55 feet along the west side of Auwaiolimu Street;
7. Thence on a curve to the left with a radius of 1462.69 feet, along same, the chord azimuth and distance being 352°18′30″ 213.83 feet;
8. 348°07′ 202.37 feet along the west side of Auwaiolimu Street;
9. Thence on a curve to the right with a radius of 269.46 feet, along same, and along the northwest side of Nehoa Street, the chord azimuth and distance being 21°23′30″ 295.68 feet;
10. 54°40′ 117.00 feet along the northwest side of Nehoa Street;
11. Thence on a curve to the right with a radius of 214.91 feet, along same, to the south side of Punchbowl Drive, the chord azimuth and distance being 74°27′15″ 145.50 feet;
12. 216°40′ 9.68 feet along Punchbowl Drive;
13. 257°20′ 120.00 feet along same;
14. 178°30′ 65.00 feet along same;
15. 145°00′ 25.00 feet along same;
16. 95°10′ 255.00 feet along same;
17. 183°32′30″ 602.36 feet along same;
18. 114°00′ 30.00 feet along same;
19. 147°56′ 22.51 feet along same;
20. 73°34′ 37.60 feet along same;
21. 37°16′ 23.30 feet along same;
22. 27°55′ 65.10 feet along same;
23. 42°02′ 144.80 feet along same;
24. 60°26′ 72.30 feet along same;
25. 66°32′ 338.40 feet along same;
26. 77°51′ 29.20 feet along same;
27. 145°46′ 7.90 feet along same;
28. 219°13′ 136.90 feet along same;
29. 214°35′ 61.40 feet along same;
30. 201°59′ 66.00 feet along same;
31. 192°52′ 127.60 feet along same;
32. 206°52′ 30.90 feet along same;
33. 223°40′ 63.80 feet along same;
34. 203°52′ 31.80 feet along same;
35. 185°50′ 63.50 feet along same;
36. 175°40′ 95.60 feet along same;
37. 188°33′ 226.40 feet along same;
38. Thence continuing along the east side of Punchbowl Drive in all its turns and windings to the Auwaiolimu-Kewalo boundary, the direct azimuth and distance being 181°48′30″ 886.26 feet;
39. 231°12′ 20.00 feet along the Auwaiolimu-Kewalo boundary to the point of beginning.

AREA 25.0 ACRES more or less.

PART 2—Land situate on the south side of Nehoa Street between Pensacola and Prospect Streets, Honolulu, Oahu.

Beginning at the southwest corner of this parcel of land at a point above the middle of a small gully and on the east side of Prospect Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 1179.70 feet South and 2992.51 feet East, as shown on Government Survey Registered Map 3040, and running thence by azimuths measured clockwise from True South:—

(Continued on p. 57)

CONTENTS

THE PRESIDENT

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

[1] See E.O. 9671.

CODIFICATION GUIDE—Continued

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1. On a curve to the left with a radius of 746.80 feet along the east side of Prospect Street, the chord azimuth and distance being 154°51'32" 50.00 feet to a pipe;

2. Thence on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being 208°38'30" 82.59 feet to a pipe;

3. Thence on a curve to the right with a radius of 274.91 feet, along the south side of Nehoa Street, the chord azimuth and distance being 249°29'47" 140.72 feet to a pipe;

4. 234°40' 146.53 feet along the south side of Nehoa Street to a pipe;

5. Thence on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being 306°29'08" 38.00 feet to a pipe;

6. Thence on a curve to the right with a radius of 634.20 feet, along the northwest side of Pensacola Street, the chord azimuth and distance being 25°58'49" 169.42 feet to middle of a small gully;

7. Thence following up along the middle of small gully, the direct azimuth and distance being 71°13' 238.76 feet to the point of beginning.

AREA 0.826 ACRE

PART 3—Being portion of the Government Land of Kewalo-uka set aside for the purpose of Establishing and Maintaining an Agricultural Experiment Station by Proclamation of Acting Governor H. E. Cooper dated June 10, 1901.

Land situate above the Hawaiian Homes land transferred to the Territory of Hawaii by Presidential Executive Order 5561, dated February 18, 1931.

Kewalo-uka, Honolulu, Oahu

Beginning at a pipe in concrete monument at the northwest corner of this parcel of land at a point called "Puu Ea" on the boundary between the lands of Auwaiolimu and Kewalo-uka said point being also the northeast corner of the land described in Presidential Executive Order 5561, dated February 18, 1931, and on the south boundary of the land described in Governor's Executive Order 790, dated March 10, 1938, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3255.6 feet North and 5244.7 feet East, as shown on Government Survey Registered Map 2828, and running by azimuths measured clockwise from True South:—

1. Up along the top of the ridge along the land of Auwaiolimu to a pipe in concrete monument at a point called "Puu Koa," the direct azimuth and distance being 217°37' 1439.00 feet;

2. Thence still up the same ridge to a concrete monument at a place called "Papaa" overlooking Pauoa Valley, the direct azimuth and distance being 229°27' 3051.00 feet;

3. 356°15' 513.00 feet along the land of Kalawaihine to a place called Kahaumakaawe at head of stream called Kahawai o Ka Poopoo;

4. Thence down the middle of stream called Kahawai o Ka Poopoo along the land of Kalawahine to the southeast corner of the land described in Presidential Executive Order 5561, the direct azimuth and distance being 41°36'30" 4730.50 feet;

5. 174°30' 930.00 feet along the land described in Presidential Executive Order 5561 to the point of beginning.

Containing a Gross Area of 63.00 Acres and a Net Area of 54.540 Acres, after excepting and excluding therefrom Grant 8764, Apanas 1 and 2 (area 0.648 Acre), Deed of Minister of Interior to W. R. Castle (area 2.232 Acres), and portions of Tantalus Drive (Area 5.58 Acres).

SUMMARY OF AREAS

Gross Area		63.000 Acres
Less Grant 8764, Apanas 1 and 2	0.648 Acre	
Less Deed to W. R. Castle	2.232 Acres	
Less Tantalus Drive	5.580 Acres	8.460 Acres
NET AREA		54.540

PART 4—Portion of the Land of Auwaiolimu, on Tantalus Ridge, Kona, City and County of Honolulu, Territory of Hawaii, being the first parcel of land described in Presidential Executive Order No. 4126, mentioned therein to be acquired, and being also the same and all the land together with the residence and other buildings thereon deeded to the Territory of Hawaii, by Elizabeth Schaefer, by Deed dated June 4, 1925, and recorded in the Office of the Registrar of Conveyances at Honolulu, in Book 780, page 154, and set aside by Executive Order 194 of the Governor of Hawaii for addition to the United States Experiment Station.

Beginning at a pipe in a concrete monument on the boundary between the lands of Auwaiolimu and Kewalo, and at the South corner of the piece of land, to co-ordinates of said pipe in a concrete monument referred to Government Survey Triangulation Station "PUNCHBOWL" being 4632.21 feet North and 6354.33 feet East and running by true azimuths:—

1. 172°28' 41.13 feet along the remainder of the land of Auwaiolimu to a pipe;

2. 139°01' 41.5 feet along same to a pipe;

3. 225°37½' 332.10 feet along same to a pipe;

4. 319°01' 84.35 feet along same to a pipe on the Auwaiolimu-Kewalo Boundary;

5. 45°39' 189.5 feet along the Land of Kewalo to a pipe in a concrete monument;

6. 49°01' 165.0 feet along same to a point of beginning.

AREA 0.636 ACRE

PART 5—Being a portion of the Government land of Auwaiolimu adjacent to the land of Kewalo-uka covered by Governor's Executive Order No. 790 for addition to Hawaii Experiment Station.

Pauoa Valley, Honolulu, Oahu

Beginning at a pipe in concrete monument at the northeast corner of this parcel of land at a point called "Puu Koa" and on the boundary between the lands of Auwaiolimu and Kewalo-uka, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 4395.10 feet North and 6122.04 feet East as shown on Government Survey Registered Map 2828 and running by azimuths measured clockwise from True South:

1. Down along the top of the ridge along the land of Kewalo-uka to a pipe in concrete monument at a point called "Puu Ea", the direct azimuth and distance being 37°37' 1439.00 feet;
2. Thence still down along same, the direct azimuth and distance being 44°41'30" 449.94 feet to a point at fence;
3. 225°29' 263.54 feet along fence along Auwaiolimu Government Remainder, Parcel A–1, to a pipe;
4. 129°33'30" 43.44 feet along Auwaiolimu Government Remainder, Parcel A–1 to a pipe;
5. 199°53' 229.54 feet along same to a pipe;
6. 225°06'30" 722.00 feet along same to a pipe;
7. 217°33' 533.20 feet along same to a pipe;
8. 131°15' 117.33 feet along same to a pipe;
9. 105°10' 258.40 feet along same to a pipe;
10. 218°17' 330.00 feet along same to a pipe;
11. 319°40' 400.00 feet along land conveyed by the Territory of Hawaii to W. R. Castle by deed dated January 2, 1902 to the point of beginning.

AREA 6.60 ACRES

PART 6—Portion of the land of Kewalo-uka set aside by Presidential Executive Order dated January 5, 1900, for the use of the United States Treasury Department as a site for a United States Marine Hospital.

Situate on the north side of Prospect Street near Makiki Cemetery.

Kewalo-uka, Honolulu, Oahu

Beginning at a stone post at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 596.60 feet South and 2237.30 feet East, as shown on Government Survey Registered Map 2828, and running by azimuths measured clockwise from True South:

1. 257°51' 29.20 feet along the land described in Presidential Executive Order 1181 dated March 25, 1910;
2. 246°32' 338.40 feet along same;
3. 240°26' 72.30 feet along same;
4. 222°02' 144.80 feet along same;
5. 207°55' 65.10 feet along same;
6. 217°16' 23.30 feet along same;
7. 253°34' 37.60 feet along same;
8. 327°56' 22.51 feet along same;
9. 294°00' 30.00 feet along same;
10. 3°32'30" 602.36 feet along same;
11. 275°10' 255.00 feet along same;
12. 325°00' 25.00 feet along same;
13. 358°30' 65.00 feet along same;
14. 77°20' 120.00 feet along same;
15. 36°40' 9.68 feet along same to the north side of Prospect Street;
16. Thence along the north side of Prospect Street on a curve to the right with a radius of 214.91 feet, the chord azimuth and distance being 116°23'15" 162.03 feet;
17. 138°32' 32.94 feet along the north side of Prospect Street;
18. Thence still along same on a curve to the left with a radius of 508.30 feet, the chord azimuth and distance being 109°47" 488.97 feet;
19. 81°02' 102.93 feet along the north side of Prospect Street;
20. 180°00' 158.00 feet along government land to the point of beginning;

Containing a GROSS AREA of 5.27 ACRES and a NET AREA of 4.27 ACRES after excepting and excluding therefrom portion of the old Punchbowl Drive (containing 1.00 acre) as reserved in Governor's Proclamation dated June 10, 1901.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 29, 1945.

[F. R. Doc. 46–71; Filed, Jan. 2, 1946; 11:23 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration

[1945 C. C. C. Corn Bulletin 1]

PART 248—CORN LOANS

SUBPART 1945—PRODUCTION AND MARKETING ADMINISTRATION 1945 CORN LOAN PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1945 Corn Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration under which loans will be made available on eligible farm-stored corn of the 1945 crop. The program will be administered by the county committees under the general supervision of the respective State committees.

Sec.
248.17 Definitions.
248.18 Loan conditions.
248.19 Chattel mortgages.
248.20 Insurance.
248.21 Set-offs.
248.22 Loan approval.
248.23 Producer responsibility.
248.24 Disbursement on loans.
248.25 Purchase of loans.
248.26 Release of collateral.
248.27 Delivery of collateral.

AUTHORITY: §§ 248.17 to 248.27, inclusive, issued under sec. 302 of Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302)

§ 248.17 *Definitions.* For the purpose of this part and the note or mortgage relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity, producing corn in 1945 as landowner, landlord, or tenant.

(b) *Eligible corn.* Eligible corn shall be merchantable ear corn, produced in 1945, by an eligible producer, in areas where farm storage is feasible, *Provided:*

(1) (i) The beneficial interest to such corn is and always has been in the eligible producer; or

(ii) Such corn was purchased by an eligible producer who will operate a different farm in 1946 from that operated in 1945, and the number of bushels placed under loan is not in excess of the number of bushels produced by the producer on the farm operated by him in 1945; and

(2) Such corn is merchantable field corn which, except for moisture content, grades No. 3 or better (or No. 4 on test weight only), as defined in the Official Grain Standard of the United States, and which has a moisture content not in excess of the following:

If tendered for a loan from December 1, 1945, to March 31, 1946, both inclusive, 20.5%.
If tendered for a loan from April 1, 1946, to April 30, 1946, both inclusive, 17.5%.
If tendered for a loan from May 1, 1946, to May 31, 1946, both inclusive, 15.5%.

Ear corn, otherwise eligible, in areas designated as Angoumois moth-infestation areas shall be eligible provided it is tendered for a loan during the period December 1, 1945, to March 31, 1946, both inclusive.

(c) *Storage.* Eligible storage shall consist of cribs which, as determined by the county committee, are of such substantial and permanent construction as to afford protection against rodents, other animals, thieves, and weather.

The most important factor to be considered in the safe storage of corn is the crib width. Cribs having a width greater than the recommended width for the county will not be considered as safe for storage of corn offered for a loan, unless the moisture content of the corn is less than 20.5 percent by at least 1 percent for each foot or fraction thereof in excess of the recommended width. In the case of round cribs with center ventilator the distance from the ventilator to the outside wall shall be used as the width, and for round cribs without center ventilator two-thirds of the diameter shall be used as the width. Maximum crib widths for safe storage of corn are listed on the attached schedule.

(d) *Approved lending agency.* An approved lending agency is a bank, cooperative marketing association, corporation, partnership, individual, or other business entity, with which Commodity Credit Corporation has entered into a Contract to Purchase (1940 C.C.C. Form E), or other agreement in form prescribed by Commodity Credit Corporation.

(e) *Eligible paper.* Eligible paper shall consist of producers' notes (C.C.C. Grain Form A Revised, or C.C.C. Commodity Form A) secured by chattel mortgages on Forms C. C. C. Grain Form AA, Revised, or C. C. C. Commodity Form AA, respectively.

§ 248.18 *Loan conditions.* All loans are subject to the following conditions:

(a) *Loan rate.* Loans will be made on eligible corn to eligible producers at the county loan rates specified in 1945 C. C. C. Corn Bulletin 1—Supplement 1. The rate for corn classified as "Mixed Corn" shall be 2 cents less per bushel.

(b) *Quantity determination.* A bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent)	*Adjustment factor (percent)*
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90
Above 20.5	no loan

(c) *Service fees.* Each producer shall pay a service fee of 1 cent per bushel, with a minimum service fee of $3.00. The minimum service fee of $3.00 shall be paid at the time he applies for a loan; the balance, if any, shall be paid upon completion of the loan.

(d) *Maturity and interest rate.* Loans mature on demand but not later than September 1, 1946, and bear interest at the rate of 3 percent per annum.

§ 248.19 *Chattel mortgages.* Chattel mortgages covering the corn must be executed and filed in accordance with the applicable State law. The corn must be free and clear of all liens except those in favor of the lienholders who are listed on the chattel mortgage and who have executed lien waivers. Lien waivers must be obtained from landowners holding liens on the corn by virtue of their ownership of the land or from any person holding liens by virtue of services performed or equipment used. Where the producer is a tenant, the expiration date of his lease must be shown on the chattel mortgage and the "Consent for Storage" agreement executed if the lease expires before November 1, 1946.

§ 248.20 *Insurance.* Commodity Credit Corporation will not require producers to insure their 1945 corn placed under loan. In case of a total physical loss of the corn resulting solely from an external cause, except losses caused by conversion by the producer, or his negligence, or caused by vermin, the producer will not be held personally liable on the note. In case of a partial loss resulting as aforesaid, the producer will not be held personally liable for that part of the indebtedness secured by the corn lost. No loss will be assumed by the Corporation, however, if it is determined that there has been a fraudulent representation on the part of the producer in connection with the loan or that the producer has not notified the county committee of the loss or damage within 7 days after discovering such loss or damage.

When loss or damage is reported by a producer, the loss or damage shall be investigated by a member of the county committee.

§ 248.21 *Set-offs.* Each producer who is listed on the county Agricultural Adjustment Agency debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate such agency or corporation as the payee of the proceeds of the loan to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. The Commodity Credit Corporation shall be given first consideration for outstanding indebtedness after claims of prior lienholders.

§ 248.22 *Loan approval.* Each note (C.C.C. Grain Form A, Revised, or C.C.C. Commodity Form A) must have the approval of a member of the county committee. The date of such approval must not be prior to the date of the note or the date of the chattel mortgage securing the note.

§ 248.23 *Producer responsibility.* The note, mortgage, and mortgage supplement govern the responsibility of the producer and should be read carefully. Any fraudulent representation made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and shall render him subject to prosecution under the provisions of the United States Criminal Code. In case the producer delivers the corn collateral in payment of his loan, he is required to deliver a quantity of shelled corn, grading No. 3 or better (except No. 4 on test weight only), equal to the number of bushels upon which the loan was computed. (Producers are responsible for any loss in quantity or quality due to insect infestation, vermin, negligence of or conversion by the producer, or any other reason, except as provided in § 248.20 above.)

§ 248.24 *Disbursement on loans.* Disbursements will be made on properly executed loan documents by any approved lending agency or by the Commodity Credit Corporation. Notes representing loans obtained through lending agencies shall bear the name and address of the lending agency as payee. Notes representing loans obtained direct from Commodity Credit Corporation shall indicate Commodity Credit Corporation as payee and should be mailed to the Director, Grain Branch, Production and Marketing Administration, 208 South La Salle Street, Chicago 4, Illinois.

§ 248.25 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined in § 248.17 (e) hereof, from lending agencies which have executed and delivered to the director serving the area a Contract to Purchase (1940 C. C. C. Form E) or other form prescribed by Commodity Credit Corporation. Notes held by lending agencies may be tendered to Commodity Credit Corporation, Chicago, Illinois, at any time prior to September 1, 1946, but must be tendered for purchase upon request of the Commodity Credit Corporation and in no event later than September 1, 1946. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes plus accrued interest, from the respective dates of disbursement to the date of payment of the purchase price, at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to submit a weekly report to the Corporation and to the county committee, on 1940 C. C. C. Form F, of all payments or collections on producers' notes held by them, and to remit promptly to Commodity Credit Corporation an amount equivalent to 1½ percent interest per annum on the amount of the principal collected from the date of disbursement on the note to the date of payment. Lending agencies should submit notes and reports to the Director, Grain Branch, Production and Marketing Administration, 208 South La Salle Street, Chicago 4, Illinois.

§ 248.26 *Release of collateral.* A producer may obtain release of all or part of his colalteral by paying to the lending agency or Commodity Credit Corporation, whichever holds the note, the loan value plus accrued interest for the number of bushels released.

Commodity Credit Corporation will purchase notes on which partial releases have been made by lending agencies provided the notes are credited by the lending agency for the full loan value of the corn released plus interest at the rate of 3 percent per annum, and 1½ percent interest per annum on such principal amount collected is submitted to the director of the Chicago office.

Mortgages shall be marked "satisfied" on the records of the county recorder upon receipt of proof by the county committee that payment in full has been made by the producer.

§ 248.27 *Delivery of collateral.* The producer is required to pay off his loan on or before September 1, 1946, or to deliver the mortgaged corn within 60 days after the maturity date of the loan. In the event the farm is sold, or there is a change in tenancy, or the corn is stored in a designated Angoumois moth area, the mortgaged corn may be delivered before September 1, 1946, upon prior approval of the county committee.

Upon delivery of the mortgaged corn to the Corporation, the Corporation shall determine the credit value thereof. If the credit value exceeds the loan value, the amount of such excess shall be paid to the producer. If the credit value is less than the loan value, the amount of the deficiency plus interest on such amount at the rate of 3 percent per annum from the date of disbursement of the loan shall, unless paid by the producer, be charged to the producer and set off against any payment due to the producer or the proceeds of any loan which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture. The credit value of mortgaged corn shall be as follows:

(a) If corn grading No. 3 (or No. 4 on test weight only) is delivered by the producer, the credit value shall be the loan value (i. e., the amount loaned on the corn at the applicable county loan rate).

(b) If corn grading higher than No. 3 is delivered by the producer, the credit value shall be the loan value plus premiums, as follows:

SCHEDULE OF PREMIUMS FOR YELLOW, WHITE, AND MIXED CORN

Grade No. 1 ---------- 1 cent per bushel.
Grade No. 2 ---------- ½ cent per bushel.

(c) If corn grading lower than No. 3 (except No. 4 on test weight only) is delivered by the producer, the credit value shall be the loan value less the following discounts:

SCHEDULE OF DISCOUNTS FOR YELLOW, WHITE, AND MIXED CORN

[Grade No. 4—1 cent per bushel. Grade No. 5—2 cents per bushel]

Minimum test weight (pounds)	Moisture	Total damaged	Heat damaged	Discount rate per bushel
	Percent	*Percent*	*Percent*	*Cents*
44	17.5	15.1–19.9	5	3
44	17.5	20.0–24.9	5	4
44	17.5	25.0–29.9	5	6
44	17.5	30.0–34.9	5	8
44	17.5	35.0–40.0	5	10

Any lot of corn which grades "sample" solely on account of stones and/or cinders or which is musty, or which has any commercially objectionable foreign odor, or cockle burrs, or rodent excreta, will be subject to a discount of 1 cent per bushel. This 1 cent will be an additional discount if the corn otherwise grades "sample" due to any of the factors shown in the above schedule. Any lot of corn grading "weevily" will be subject to a discount of ½ cent per bushel. This ½ cent discount will be in addition to any discount otherwise applicable.

Discounts will be determined by the Commodity Credit Corporation for all corn grading sour or heating or otherwise not coming within the classification of this schedule of discounts.

(d) If a greater number of bushels of corn is delivered than the number stated in section 1 of the Chattel Mortgage, the producer shall be allowed the credit value of the total quantity of corn delivered: *Provided*, (1) The corn was in a crib or cribs in which all or a portion of the corn therein was under loan, and (2) the producer pays a service fee of 1 cent per bushel for the number of bushels delivered in excess of the number shown in Section 1 of the Chattel Mortgage.

(e) If a lower quality or lesser quantity of corn than that stated in section 1 of the Chattel Mortgage is delivered by the producer and such lower quality or lesser quantity is due to physical loss or damage solely from an external cause, other than vermin or conversion by the producer, and without the fault or negligence of the producer, a credit value shall be allowed for the number of bushels of corn so lost or damaged equal to the amount of the loan on such corn.

Dated: December 11, 1945.

[SEAL] C. W. KITCHEN,
Acting President,
Commodity Credit Corporation.

SCHEDULE OF MAXIMUM CRIB WIDTHS FOR SAFE STORAGE OF CORN

The following crib widths are recommended as the maximum widths for safe storage of corn in the respective areas:

ILLINOIS

6-foot area: Lake and McHenry Counties.
7-foot area: Boone, Carroll, Cook, De Kalb, Du Page, Grundy, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, La Salle, Lee, Ogle, Stephenson, Whiteside, Will, and Winnebago.
8-foot area: All other counties.

INDIANA

6-foot area: Allen, De Kalb, Elkhart, Kosciusko, Lagrange, La Porte, Marshall, Noble, Saint Joseph, Starke, Steuben, and Whitley.
7-foot area: Adams, Benton, Blackford, Carroll, Cass, Clinton, Delaware, Fayette, Franklin, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jasper, Jay, Lake, Madison, Miami, Newton, Porter, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wabash, Wayne, Walls, and White.
8-foot area: All other counties.

IOWA

6-foot area: Allamakee, Clayton, Howard, and Winneshiek.
7-foot area: Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clinton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Hancock, Jackson, Jones, Kossuth, Mitchell, Osceola, Winnebago, and Worth.
8-foot area: All counties not listed in the other three areas.
9-foot area: Adams, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

MICHIGAN

6-foot area: All counties.

MINNESOTA

6-foot area: All counties not in the 7-foot area.
7-foot area: Blue Earth, Brown, Cottonwood, Faribault, Jackson, Lac qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, Watonwan, and Yellow Medicine.

MISSOURI

8-foot area: All counties except those in the 9-foot area.
9-foot area: Andrew, Atchison, Barton, Bates, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

NEBRASKA

8-foot area: Cedar, Dakota, Dixon, Thurston, and Wayne.
9-foot area: All counties not listed in the other two areas.
10-foot area: Adams, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Fillmore, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Kearney, Keith, Lincoln, Merrick, Nuckolls, Perkins, Phelps, Redwillow, Saline, Sherman, Thayer, and Webster.

OHIO

6-foot area: Allen, Ashland, Ashtabula, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood, and Wyandot.
7-foot area: All other counties.

SOUTH DAKOTA

7-foot area: All counties not listed in the 8-foot area.
8-foot area: Bon Homme, Charles Mix, Clay, Douglas, Gregory, Hutchinson, Lincoln, Turner, Union, and Yankton.

WISCONSIN

6-foot area: All counties.

ALL OTHER AREAS

The maximum crib widths acceptable as safe storage for corn in all other areas shall be the widths as recommended by the county committee of the respective county.

[F. R. Doc. 45-23221; Filed, Dec. 29, 1945; 4:01 p. m.]

[1945 C. C. C. Corn Bulletin 1, Supp. 1]

PART 248—CORN LOANS

SUBPART 1945

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1302), Commodity Credit Corporation has authorized the making of loans on eligible farm-stored corn of the 1945 crop in accordance with the regulations in this part (1945 C. C. C. Corn Bulletin 1). Such regulations are hereby supplemented as follows:

Section 248.18 (a) *Loan rate*, is supplemented by adding at the end thereof the following:

LOAN VALUES ON ELIGIBLE CORN (EXCEPT ELIGIBLE CORN GRADING "MIXED", WHICH IS 2 CENTS PER BUSHEL LESS) FOR ALL COUNTIES IN THE STATES OF COLORADO, DELAWARE, KENTUCKY, MARYLAND, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, TENNESSEE, VIRGINIA, WEST VIRGINIA, WYOMING

State and Code No.:	*Loan value (per bushel)*
Colorado, 84	$0.98
Delaware, 52	1.15
Kentucky, 61	1.07
Maryland, 51	1.14
New Jersey, 22	1.15
New York, 21	1.13
North Carolina, 55	1.12
Pennsylvania, 23	1.13
Tennessee, 63	1.07
Virginia, 53	1.12
West Virginia, 54	1.10
Wyoming, 83	.97

LOAN VALUES ON ELIGIBLE CORN (EXCEPT ELIGIBLE CORN GRADING "MIXED" WHICH IS 2 CENTS PER BUSHEL LESS), FOR THE COUNTIES SPECIFIED IN THE STATES OF ILLINOIS, INDIANA, IOWA, KANSAS, MICHIGAN, MINNESOTA, MISSOURI, NEBRASKA, NORTH DAKOTA, OHIO, SOUTH DAKOTA, WISCONSIN

ILLINOIS

	County	*Loan value*
33-001	Adams	$0.97
33-004	Boone	.97
33-005	Brown	.98
33-006	Bureau	.97
33-007	Calhoun	.93
33-008	Carroll	.97
33-009	Cass	.98
33-010	Champaign	.98
33-011	Christian	.98
33-012	Clark	.99
33-015	Coles	.98
33-016	Cook	1.00
33-018	Cumberland	.99
33-019	De Kalb	.98
33-020	De Witt	.98
33-021	Douglas	.98
33-022	DuPage	.99
33-023	Edgar	.98
33-027	Ford	.98
33-029	Fulton	.98
33-031	Greene	.98
33-032	Grundy	.98
33-034	Hancock	.97
33-036	Henderson	.97
33-037	Henry	.97
33-038	Iroquois	.99
33-042	Jersey	.99
33-043	Jo Daviess	.96
33-045	Kane	.99
33-046	Kankakee	.98
33-047	Kendall	.98
33-048	Knox	.97
33-049	Lake	1.00
33-050	La Salle	.97
33-052	Lee	.97
33-053	Livingston	.98
33-054	Logan	.98
33-055	McDonough	.97
33-056	McHenry	.98
33-057	McLean	.98
33-058	Macon	.98
33-059	Macoupin	.99
33-060	Madison	1.00
33-062	Marshall	.97
33-063	Mason	.98
33-065	Menard	.93
33-066	Mercer	.96
33-068	Montgomery	.98
33-069	Morgan	.98
33-070	Moultrie	.98
33-071	Ogle	.97
33-072	Peoria	.93
33-074	Piatt	.98
33-075	Pike	.93
33-078	Putnam	.97

ILLINOIS—continued

County		Loan value
33-081	Rock Island	$0.97
33-084	Sangamon	.98
33-085	Schuyler	.98
33-086	Scott	.98
33-087	Shelby	.99
33-088	Stark	.97
33-089	Stephenson	.97
33-090	Tazewell	.98
33-092	Vermilion	.98
33-094	Warren	.97
33-098	Whiteside	.97
33-099	Will	.99
33-101	Winnebago	.97
33-102	Woodford	.98

Loan values in counties in Illinois outside the Corn Belt are as follows:

County		Loan value
33-002	Alexander	$1.03
33-003	Bond	.99
33-013	Clay	1.00
33-014	Clinton	1.00
33-017	Crawford	1.00
33-024	Edwards	1.01
33-025	Effingham	1.00
33-026	Fayette	.99
33-028	Franklin	1.01
33-030	Gallatin	1.02
33-033	Hamilton	1.01
33-035	Hardin	1.02
33-039	Jackson	1.02
33-040	Jasper	1.00
33-041	Jefferson	1.00
33-044	Johnson	1.02
33-051	Lawrence	1.01
33-061	Marion	1.00
33-064	Massac	1.02
33-067	Monroe	1.01
33-073	Perry	1.01
33-076	Pope	1.02
33-077	Pulaski	1.03
33-079	Randolph	1.01
33-080	Richland	1.01
33-082	Saint Clair	1.01
33-083	Saline	1.02
33-091	Union	1.02
33-093	Wabash	1.01
33-095	Washington	1.01
33-096	Wayne	1.00
33-097	White	1.01
33-100	Williamson	1.02

INDIANA

County		Loan value
32-004	Benton	$0.99
32-006	Boone	1.01
32-008	Carroll	1.00
32-009	Cass	1.00
32-011	Clay	1.00
32-012	Clinton	1.01
32-020	Elkhart	1.01
32-023	Fountain	.99
32-025	Fulton	1.00
32-029	Hamilton	1.01
32-032	Hendricks	1.01
32-034	Howard	1.01
32-037	Jasper	.99
32-043	Kosciusko	1.01
32-045	Lake	1.00
32-046	La Porte	1.00
32-049	Marion	1.01
32-050	Marshall	1.00
32-052	Miami	1.01
32-054	Montgomery	1.00
32-056	Newton	.99
32-061	Parke	1.00
32-064	Porter	1.00
32-066	Pulaski	1.00
32-067	Putnam	1.01
32-071	Saint Joseph	1.00
32-075	Starke	1.00
32-079	Tippecanoe	1.00
32-080	Tipton	1.01
32-083	Vermillion	.99
32-084	Vigo	.99
32-085	Wabash	1.01
32-086	Warren	.99
32-091	White	1.00

INDIANA—continued

Loan values in counties in Indiana outside the Corn Belt are as follows:

County		Loan value
32-001	Adams	$1.02
32-002	Allen	1.02
32-003	Bartholomew	1.02
32-005	Blackford	1.02
32-007	Brown	1.01
32-010	Clark	1.03
32-013	Crawford	1.03
32-014	Daviess	1.01
32-015	Dearborn	1.03
32-016	Decatur	1.02
32-017	De Kalb	1.02
32-018	Delaware	1.02
32-019	Dubois	1.02
32-021	Fayette	1.02
32-022	Floyd	1.03
32-024	Franklin	1.02
32-026	Gibson	1.01
32-027	Grant	1.01
32-028	Greene	1.01
32-030	Hancock	1.01
32-031	Harrison	1.03
32-033	Henry	1.02
32-035	Huntington	1.01
32-036	Jackson	1.02
32-038	Jay	1.02
32-039	Jefferson	1.03
32-040	Jennings	1.02
32-041	Johnson	1.01
32-042	Knox	1.01
32-044	Lagrange	1.01
32-047	Lawrence	1.02
32-048	Madison	1.01
32-051	Martin	1.02
32-053	Monroe	1.01
32-055	Morgan	1.01
32-057	Noble	1.01
32-058	Ohio	1.03
32-059	Orange	1.02
32-060	Owen	1.00
32-062	Perry	1.03
32-063	Pike	1.02
32-065	Posey	1.02
32-068	Randolph	1.02
32-069	Ripley	1.02
32-070	Rush	1.02
32-072	Scott	1.03
32-073	Shelby	1.01
32-074	Spencer	1.03
32-076	Steuben	1.02
32-077	Sullivan	1.00
32-078	Switzerland	1.03
32-081	Union	1.02
32-082	Vanderburgh	1.02
32-087	Warrick	1.02
32-088	Washington	1.03
32-089	Wayne	1.02
32-090	Wells	1.02
32-092	Whitley	1.01

IOWA

County		Loan value
42-001	Adair	$0.93
42-002	Adams	.93
42-003	Allamakee	.94
42-004	Appanoose	.95
42-005	Audubon	.92
42-006	Benton	.95
42-007	Black Hawk	.94
42-008	Boone	.92
42-009	Bremer	.93
42-010	Buchanan	.94
42-011	Buena Vista	.91
42-012	Butler	.93
42-013	Calhoun	.92
42-014	Carroll	.92
42-015	Cass	.93
42-016	Cedar	.96
42-017	Cerro Cordo	.92
42-018	Cherokee	.92
42-019	Chickasaw	.93
42-020	Clarke	.94
42-021	Clay	.92
42-022	Clayton	.94
42-023	Clinton	.96
42-024	Crawford	.92
42-025	Dallas	.93
42-026	Davis	.96
42-027	Decatur	.94

IOWA—continued

County		Loan value
42-028	Delaware	$0.96
42-029	Des Moines	.97
42-030	Dickinson	.92
42-031	Dubuque	.95
42-032	Emmet	.92
42-033	Fayette	.94
42-034	Floyd	.92
42-035	Franklin	.93
42-036	Fremont	.93
42-037	Greene	.92
42-038	Grundy	.93
42-039	Guthrie	.92
42-040	Hamilton	.92
42-041	Hancock	.92
42-042	Hardin	.93
42-043	Harrison	.93
42-044	Henry	.96
42-045	Howard	.93
42-046	Humboldt	.92
42-047	Ida	.91
42-048	Iowa	.94
42-049	Jackson	.96
42-050	Jasper	.93
42-051	Jefferson	.95
42-052	Johnson	.95
42-053	Jones	.96
41-054	Keokuk	.95
42-055	Kossuth	.92
42-056	Lee	.97
42-057	Linn	.95
42-058	Louisa	.96
42-059	Lucas	.94
42-060	Lyon	.91
42-061	Madison	.94
42-062	Mahaska	.94
42-063	Marion	.94
42-064	Marshall	.93
42-065	Mills	.93
42-066	Mitchell	.93
42-067	Monona	.92
42-068	Monroe	.95
42-069	Montgomery	.93
42-070	Muscatine	.96
42-071	O'Brien	.91
42-072	Osceola	.91
42-073	Page	.93
42-074	Palo Alto	.92
42-075	Plymouth	.93
42-076	Pocahontas	.91
42-077	Polk	.93
42-078	Pottawattamie	.93
42-079	Poweshiek	.93
42-080	Ringgold	.93
42-081	Sac	.91
42-082	Scott	.96
42-083	Shelby	.92
42-084	Sioux	.92
42-085	Story	.93
42-086	Tama	.94
42-087	Taylor	.93
42-088	Union	.93
42-089	Van Buren	.96
42-090	Wapello	.95
42-091	Warren	.94
42-092	Washington	.95
42-093	Wayne	.94
42-094	Webster	.92
42-095	Winnebago	.93
42-096	Winneshiek	.94
42-097	Woodbury	.92
42-098	Worth	.93
42-099	Wright	.92

KANSAS

County		Loan Value
49-003	Atchison	$0.95
49-007	Brown	.94
49-022	Doniphan	.94
49-023	Douglas	.95
49-043	Jackson	.94
49-044	Jefferson	.95
49-046	Johnson	.96
49-052	Leavenworth	.96
49-059	Marshall	.93
49-066	Nemaha	.94
49-075	Pottawatomie	.94
49-079	Republic	.92
49-081	Riley	.93
49-089	Shawnee	.94
49-101	Washington	.93
49-105	Wyandotte	.90

KANSAS—continued

Loan values in counties in Kansas outside the Corn Belt are as follows:

County		Loan value
49-001	Allen	$0.97
49-002	Anderson	.97
49-006	Bourbon	.97
49-009	Chase	.95
49-012	Cheyenne	.95
49-014	Clay	.93
49-015	Cloud	.93
49-016	Coffey	.96
49-020	Decatur	.94
49-021	Dickinson	.94
49-026	Ellis	.95
49-027	Ellsworth	.95
49-030	Franklin	.96
49-031	Geary	.94
49-033	Graham	.95
49-045	Jewell	.93
49-053	Lincoln	.95
49-054	Linn	.97
49-056	Lyon	.95
49-057	McPherson	.95
49-058	Marion	.95
49-061	Miami	.97
49-062	Mitchell	.94
49-064	Morris	.95
49-069	Norton	.94
49-070	Osage	.95
49-071	Osborne	.94
49-072	Ottawa	.94
49-074	Phillips	.93
49-077	Rawlins	.95
49-082	Rooks	.94
49-084	Russell	.95
49-085	Saline	.95
49-090	Sheridan	.95
49-092	Smith	.93
49-099	Wabaunsee	.94

All other counties in Kansas not listed above: 98 cents per bushel.

MICHIGAN

County		Loan value
35-003	Allegan	$1.02
35-008	Barry	1.02
35-011	Berrien	1.01
35-012	Branch	1.02
35-013	Calhoun	1.02
35-014	Cass	1.01
35-030	Hillsdale	1.02
35-039	Kalamazoo	1.02
35-070	Ottawa	1.02
35-075	Saint Joseph	1.01
35-080	Van Buren	1.01

All other counties in Michigan not listed above: $1.04 per bushel.

MINNESOTA

County		Loan value
41-002	Anoka	$0.95
41-006	Big Stone	.92
41-007	Blue Earth	.93
41-008	Brown	.93
41-010	Carver	.95
41-012	Chippewa	.93
41-017	Cottonwood	.93
41-019	Dakota	.95
41-020	Dodge	.93
41-022	Faribault	.93
41-023	Fillmore	.93
41-024	Freeborn	.93
41-025	Goodhue	.93
41-027	Hennepin	.95
41-028	Houston	.93
41-032	Jackson	.92
41-034	Kandiyohi	.93
41-037	Lac qui Parle	.92
41-040	Le Sueur	.94
41-041	Lincoln	.92
41-042	Lyon	.92
41-043	McLeod	.94
41-046	Martin	.93
41-047	Meeker	.93
41-050	Mower	.93
41-051	Murray	.92
41-052	Nicollet	.93
41-053	Nobles	.91
41-055	Olmsted	.93
41-059	Pipestone	.91
41-062	Ramsey	.95

MINNESOTA—continued

County		Loan value
41-064	Redwood	$0.93
41-065	Renville	.93
41-066	Rice	.94
41-067	Rock	.91
41-070	Scott	.95
41-072	Sibley	.93
41-074	Steele	.93
41-076	Swift	.93
41-079	Wabasha	.93
41-081	Waseca	.93
41-082	Washington	.95
41-083	Watonwan	.93
41-085	Winona	.93
41-086	Wright	.94
41-087	Yellow Medicine	.92

Loan values in counties in Minnesota outside the Corn Belt are as follows:

County		Loan value
41-021	Douglas	$0.94
41-026	Grant	.94
41-061	Pope	.94
41-073	Stearns	.94
41-075	Stevens	.93
41-078	Traverse	.93

All other counties in Minnesota not listed above: 95 cents per bushel.

MISSOURI

County		Loan value
44-001	Adair	$0.96
44-002	Andrew	.95
44-003	Atchison	.94
44-004	Audrain	.98
44-010	Boone	.98
44-011	Buchanan	.95
44-013	Caldwell	.95
44-014	Callaway	.98
44-017	Carroll	.96
44-021	Chariton	.96
44-023	Clark	.97
44-024	Clay	.96
44-025	Clinton	.95
44-031	Daviess	.95
44-032	De Kalb	.95
44-038	Gentry	.94
44-040	Grundy	.94
44-041	Harrison	.94
44-044	Holt	.94
44-045	Howard	.97
44-048	Jackson	.96
44-052	Knox	.97
44-056	Lewis	.98
44-057	Lincoln	.99
44-058	Linn	.96
44-059	Livingston	.95
44-061	Macon	.96
44-064	Marion	.98
44-065	Mercer	.94
44-069	Monroe	.97
44-070	Montgomery	.98
44-074	Nodaway	.94
44-082	Pike	.98
44-083	Platte	.96
44-086	Putnam	.95
44-087	Ralls	.98
44-088	Randolph	.97
44-089	Ray	.96
44-092	Saint Charles	1.00
44-095	Saint Louis	1.00
44-098	Schuyler	.96
44-099	Scotland	.97
44-102	Shelby	.97
44-105	Sullivan	.96
44-109	Warren	.99
44-113	Worth	.94

Loan values in counties in Missouri outside the Corn Belt are as follows:

County		Loan value
44-007	Bates	$0.98
44-008	Benton	.98
44-015	Camden	.99
44-019	Cass	.97
44-026	Cole	.99
44-027	Cooper	.98
44-028	Crawford	1.00
44-036	Franklin	1.00
44-037	Gasconade	.99

MISSOURI—continued

County		Loan value
44-042	Henry	$0.98
44-043	Hickory	.98
44-050	Jefferson	1.01
44-051	Johnson	.97
44-054	Lafayette	.97
44-063	Maries	.99
44-066	Miller	.99
44-068	Moniteau	.99
44-071	Morgan	.98
44-076	Osage	.99
44-080	Pettis	.97
44-093	Saint Clair	.98
44-094	Saint Francois	1.01
44-096	Saint Genevieve	1.01
44-097	Saline	.97
44-108	Vernon	.98
44-110	Washington	1.00

All other counties in Missouri not listed above: $1.02 per bushel.

NEBRASKA

County		Loan value
48-002	Antelope	$0.90
48-006	Boone	.90
48-011	Burt	.92
48-012	Butler	.92
48-013	Cass	.93
48-014	Cedar	.91
48-018	Clay	.92
48-019	Colfax	.92
48-020	Cuming	.91
48-022	Dakota	.92
48-026	Dixon	.92
48-027	Dodge	.92
48-028	Douglas	.93
48-030	Fillmore	.92
48-034	Gage	.94
48-041	Hamilton	.91
48-048	Jefferson	.93
48-049	Johnson	.94
48-054	Knox	.90
48-055	Lancaster	.92
48-060	Madison	.90
48-061	Merrick	.91
48-063	Nance	.91
48-064	Nemaha	.94
48-065	Nuckolls	.92
48-066	Otoe	.93
48-067	Pawnee	.94
48-070	Pierce	.90
48-071	Platte	.91
48-072	Polk	.91
48-074	Richardson	.94
48-076	Saline	.93
48-077	Sarpy	.93
48-078	Saunders	.92
48-080	Seward	.92
48-084	Stanton	.91
48-085	Thayer	.92
48-087	Thurston	.91
48-089	Washington	.93
48-090	Wayne	.91
48-093	York	.91

Loan values in counties in Nebraska outside the Corn Belt are as follows:

County		Loan value
48-001	Adams	$0.92
48-003	Arthur	.95
48-004	Banner	.97
48-005	Blaine	.93
47-007	Box Butte	.97
48-008	Boyd	.91
48-009	Brown	.93
48-010	Buffalo	.92
48-015	Chase	.95
48-016	Cherry	.94
48-017	Cheyenne	.97
48-021	Custer	.93
48-023	Dawes	.97
48-024	Dawson	.93
48-025	Deuel	.96
48-029	Dundy	.95
48-031	Franklin	.92
48-032	Frontier	.94
48-033	Furnas	.94
48-035	Garden	.96
48-036	Garfield	.91
48-037	Gosper	.94
48-038	Grant	.95

NEBRASKA—continued

County		Loan value
48-039	Greeley	$0.91
48-040	Hall	.92
48-042	Harlan	.93
48-043	Hayes	.95
48-044	Hitchcock	.95
48-045	Holt	.91
48-046	Hooker	.94
48-047	Howard	.92
48-050	Kearney	.92
48-051	Keith	.95
48-052	Keya Raha	.93
48-053	Kimball	.97
48-056	Lincoln	.94
48-057	Logan	.94
48-058	Loup	.92
48-059	McPherson	.94
48-062	Morrill	.97
48-068	Perkins	.95
48-069	Phelps	.93
48-073	Redwillow	.94
48-075	Rock	.92
48-079	Scotts Bluff	.97
48-081	Sheridan	.96
48-082	Sherman	.92
48-083	Sioux	.97
48-086	Thomas	.94
48-088	Valley	.92
48-091	Webster	.92
48-092	Wheeler	.91

NORTH DAKOTA

County		Loan value
46-011	Dickey	$0.94
46-037	Ransom	.95
46-039	Richland	.94
46-041	Sargent	.94

All other counties in North Dakota not listed above: 96 cents per bushel.

OHIO

County		Loan value
31-001	Adams	$1.05
31-002	Allen	1.03
31-003	Ashland	1.06
31-004	Ashtabula	1.09
31-005	Athens	1.07
31-006	Auglaize	1.03
31-007	Belmont	1.09
31-008	Brown	1.05
31-009	Butler	1.03
31-010	Carroll	1.09
31-011	Champaign	1.04
31-012	Clark	1.04
31-013	Clermont	1.04
31-014	Clinton	1.04
31-015	Columbiana	1.09
31-016	Coshocton	1.07
31-017	Crawford	1.05
31-018	Cuyahoga	1.08
31-019	Darke	1.02
31-020	Defiance	1.02
31-021	Delaware	1.05
31-022	Erie	1.06
31-023	Fairfield	1.03
31-024	Fayette	1.04
31-025	Franklin	1.05
31-026	Fulton	1.03
31-027	Gallia	1.07
31-028	Geauga	1.09
31-029	Greene	1.04
31-030	Guernsey	1.03
31-031	Hamilton	1.03
31-032	Hancock	1.04
31-033	Hardin	1.04
31-034	Harrison	1.09
31-035	Henry	1.03
31-036	Highland	1.05
31-037	Hocking	1.06
31-038	Holmes	1.07
31-039	Huron	1.06
31-040	Jackson	1.06
31-041	Jefferson	1.09
31-042	Knox	1.06
31-043	Lake	1.09
31-044	Lawrence	1.06
31-045	Licking	1.06
31-046	Logan	1.04
31-047	Lorain	1.07
31-048	Lucas	1.04

OHIO—continued

County		Loan value
31-049	Madison	$1.05
31-050	Mahoning	1.09
31-051	Marion	1.05
31-052	Medina	1.07
31-053	Meigs	1.07
31-054	Mercer	1.02
31-055	Miami	1.03
31-056	Monroe	1.09
31-057	Montgomery	1.03
31-058	Morgan	1.07
31-059	Morrow	1.06
31-060	Muskingum	1.07
31-061	Noble	1.08
31-062	Ottawa	1.05
31-063	Paulding	1.02
31-064	Perry	1.07
31-065	Pickaway	1.05
31-066	Pike	1.05
31-067	Portage	1.09
31-068	Preble	1.02
31-069	Putnam	1.03
31-070	Richland	1.06
31-071	Ross	1.05
31-072	Sandusky	1.05
31-073	Scioto	1.05
31-074	Seneca	1.05
31-075	Shelby	1.03
31-076	Stark	1.08
31-077	Summit	1.08
31-078	Trumbull	1.09
31-079	Tuscarawas	1.08
31-080	Union	1.04
31-081	Van Wert	1.02
31-082	Vinton	1.06
31-083	Warren	1.04
31-084	Washington	1.08
31-085	Wayne	1.07
31-086	Williams	1.02
31-087	Wood	1.04
31-088	Wyandot	1.05

SOUTH DAKOTA

County		Loan value
47-003	Beadle	$0.90
47-005	Bon Homme	.90
47-006	Brookings	.91
47-014	Clay	.91
47-018	Davison	.90
47-031	Hanson	.90
47-034	Hutchinson	.90
47-039	Kingsbury	.91
47-040	Lake	.91
47-042	Lincoln	.91
47-044	McCook	.90
47-049	Miner	.90
47-050	Minnehaha	.90
47-051	Moody	.91
47-056	Sanborn	.90
47-063	Turner	.90
47-064	Union	.92
47-068	Yankton	.90

Loan values in counties in South Dakota outside the Corn Belt are as follows:

County		Loan value
47-001	Armstrong	$0.94
47-002	Aurora	.91
47-004	Bennett	.94
47-007	Brown	.93
47-008	Brule	.92
47-009	Buffalo	.92
47-010	Butte	.96
47-011	Campbell	.94
47-012	Charles Mix	.92
47-013	Clark	.92
47-015	Codington	.92
47-016	Corson	.95
47-017	Custer	.96
47-019	Day	.93
47-020	Deuel	.92
47-021	Dewey	.95
47-022	Douglas	.91
47-023	Edmunds	.93
47-024	Fall River	.96
47-025	Faulk	.93
47-026	Grant	.92
47-027	Gregory	.92
47-028	Haakon	.94
47-029	Hamlin	.92

SOUTH DAKOTA—continued

County		Loan value
47-030	Hand	$0.91
47-032	Harding	.96
47-033	Hughes	.93
47-035	Hyde	.92
47-036	Jackson	.94
47-037	Jerauld	.91
47-038	Jones	.94
47-041	Lawrence	.96
47-043	Lyman	.93
47-045	McPherson	.94
47-046	Marshall	.93
47-047	Meade	.95
47-048	Mellette	.93
47-052	Pennington	.95
47-053	Perkins	.95
47-054	Potter	.94
47-055	Roberts	.93
47-057	Shannon	.95
47-058	Spink	.92
47-059	Stanley	.94
47-060	Sully	.93
47-061	Todd	.93
47-062	Tripp	.93
47-065	Walworth	.94
47-066	Washabaugh	.94
47-067	Washington	.95
47-069	Ziebach	.95

WISCONSIN

County		Loan value
36-006	Buffalo	$0.95
36-009	Chippewa	.96
36-012	Crawford	.95
36-017	Dunn	.96
36-018	Eau Claire	.96
36-022	Grant	.95
36-025	Iowa	.96
36-027	Jackson	.96
36-032	La Crosse	.95
36-033	Lafayette	.96
36-041	Monroe	.96
36-046	Pepin	.95
36-047	Pierce	.95
36-052	Richland	.95
36-055	Saint Croix	.96
36-061	Trempealeau	.95
36-062	Vernon	.95

All other counties in Wisconsin not listed above: 98 cents per bushel.

Dated: December 11, 1945.

[SEAL] C. W. KITCHEN,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 45-23222; Filed Dec. 29, 1945; 4:01 p. m.]

[1945 C. C. C. Cover Crop and Hay and Pasture Seed Bulletin 1, Amdt. 4]

PART 267—COVER CROP AND HAY AND PASTURE SEED LOANS AND PURCHASES

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; U.S.C. 1302), Commodity Credit Corporation has authorized the making of loans on cover crop and hay and pasture seed in accordance with the regulations in this part (1945 C. C. C. Cover Crop and Hay and Pasture Seed Bulletin 1, as amended; 10 F.R. 8987). Such regulations are hereby amended in the following respects:

The title "Commodity Credit Corporation 1945 Cover Crop and Hay and Pasture Seed Loan Program Bulletin" is amended to read "Commodity Credit Corporation 1945 Cover Crop and Hay and Pasture Seed Loan and Purchase Program Bulletin."

Special instructions concerning purchases of seed from producers and purchases of seed from dealers are added immediately following § 267.36 of the regulations, as follows:

SPECIAL INSTRUCTIONS CONCERNING PURCHASES OF SEED FROM PRODUCERS

Sec.
267.42 Eligible seed.
267.43 Eligible producer.
267.44 Pricing basis.
267.45 Purchase period.
267.46 Administration of purchase program.
267.47 Payment.

SPECIAL INSTRUCTIONS CONCERNING PURCHASES OF SEED FROM DEALERS

Sec.
267.53 Eligible seed.
267.54 Eligible dealers.
267.55 Price.
267.56 Administration of program.
267.57 Payment.
267.58 Purchases period.

AUTHORITY: §§ 267.42 to 267.58, inclusive, issued under the Act of April 12, 1945 (59 Stat. 50).

SPECIAL INSTRUCTIONS CONCERNING PURCHASES OF SEED PROM PRODUCERS

§ 267.42 *Eligible seed.* Hairy vetch, certified Willamette vetch, crimson clover and annual (common) ryegrass seed harvested in 1945 by eligible producers, as defined herein.

(a) *Specifications.* The seed must, by official test, be equal to or better than the lowest of the specifications for the particular kind of seed as shown in the attached schedule of purchase prices.

NOTE: For the purposes of this program, an "official test" is an analysis made by a seed-testing laboratory approved by the Field Service Branch, Production and Marketing Administration. Producers shall pay all charges (including charges for the issuance of reports) in connection with the sampling and analysis of seed which, by official test, is not of an eligible quality.

(b) *Fumigation.* The seed shall be fumigated, if necessary, to eradicate or prevent insect infestation.

(c) *Packaging.* The seed shall be packaged at the producer's expense, in bags of approved quality (as determined by the Field Service Branch, Production and Marketing Administration, in accordance with instructions issued by it) of 100 pounds net, or either 100 pounds net or 150 pounds net in the case of crimson clover grown east of the Rocky Mountains. Bags shall be furnished by the producer.

(d) *Cleaning and other expenses.* In the case of seed purchased by Commodity Credit Corporation, the producer shall pay all cleaning and other expenses, except analysis expense, whether covered herein or not, which are necessary to prepare the seed to meet all eligibility requirements.

(e) *Liens.* Seed offered under this program must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in CCC Purchase Form A (Memorandum of Purchase). The names of all existing lienholders such as landlords, laborers, threshers, or mortgagees must be listed. The waiver and consent to sell or mortgage the cover crop seeds and pay the proceeds as directed by the producer, as contained in CCC Purchase Form A, must be signed by all lienholders listed or by their duly authorized agents. Waivers of lienholders may be executed on separate instruments if complete identification of the commodity and the producer is shown.

§ 267.43 *Eligible producer.* An eligible producer is any person, partnership, association, or corporation harvesting the seed in 1945 as landowner, landlord, tenant or custom harvester.

§ 267.44 *Pricing basis.* The prices to be paid for the seed shall be computed in accordance with the schedule.

§ 267.45 *Purchase period.* Purchases of seed will be made from the 1945 harvesttime through April 30, 1946.

§ 267.46 *Administration of purchase program.* County and State agricultural conservation committees will administer the purchase program at the county and State levels, including the determination of the eligibility of the seed and the producer, the execution of purchase documents, and the submission of all required documents and other pertinent information to the appropriate Regional Director of Grain Branch, Production and Marketing Administration.

§ 267.47 *Payments.* Payments will be made direct to producers and others designated by producers (on CCC Purchase Form A) by the Regional Director of Grain Branch, Production and Marketing Administration, serving the area in which purchases are made.

SPECIAL INSTRUCTIONS CONCERNING PURCHASES OF SEED FROM DEALERS

§ 267.53 *Eligible seed.* Hairy vetch, certified Willamette vetch, crimson clover, and annual (common) ryegrass seed harvested in 1945. Seeds produced on different fields shall not be mixed.

(a) *Specifications.* The seed must, by official test, be equal to or better than the lowest of the specifications for the particular kind of seed as shown in the attached schedule of purchase prices, without benefit of the tolerances permitted under the Federal Seed Act. For the purposes of this part, an "official test" is one made by a laboratory which has been approved by the Field Service Branch, Production and Marketing Administration.

(b) *Fumigation.* The seed shall be fumigated, if necessary, to eradicate or prevent insect infestation.

(c) *Packaging and shipment.* The seed shall be packaged, at no expense to Commodity Credit Corporation or Production and Marketing Administration, in bags of approved quality (as determined by the Field Service Branch, Production and Marketing Administration, in accordance with instructions issued by it) of 100 pounds net. The seed must be delivered in carload lots of 60,000 pounds or more and by lots according to the kind of seed, properly identified, every portion or bag of which is uniform within permitted Federal Seed Act tolerances for the factors which appear on the labeling. Lots of ineligible seed will not be accepted under the program.

(d) *Liens.* All seed offered to Commodity Credit Corporation under this program must be free and clear of all liens and other encumbrances.

§ 267.54 *Eligible dealers.* A dealer shall be eligible to sell to Commodity Credit Corporation eligible seed in carload lots (60,000 pounds or more), provided he has executed a Memorandum of Understanding with the county agricultural conservation association to handle seed purchased by Commodity Credit Corporation from producers, and certifies that the producers of the seed were paid for each component lot in the shipment at least the applicable announced basic producer price.

§ 267.55 *Price.* Commodity Credit Corporation shall pay to the dealer the applicable price computed in accordance with the schedule plus $0.40 per hundredweight for certified Willamette vetch seed and ryegrass seed or $0.50 per hundredweight for hairy vetch seed and crimson clover seed, and less applicable bag discounts as determined by the Field Service Branch, Production and Marketing Administration, in accordance with instructions issued by it.

NOTE: Tolerances permitted under the Federal Seed Act shall be disregarded in determining the quality of the seed, the applicable price, and the discounts.

§ 267.56 *Administration of program.* All purchases of seed from dealers under this part shall be handled at the county and State levels by county and State agricultural conservation committees, who shall determine the eligibility of the seed and the dealer, execute the documents pertinent to the transaction, and transmit required papers and other relevant data to the appropriate Regional Director of Grain Branch, Production and Marketing Administration.

§ 267.57 *Payment.* The Regional Director of Grain Branch, Production and Marketing Administration, serving the area in which the dealer (who sells the seed to Commodity Credit Corporation) is located will pay the dealer direct for seed purchased from him.

§ 267.58 *Purchase period.* Purchases under this part will be made from July 23, 1945, through April 30, 1946.

Dated: October 10, 1945.

[SEAL] C. W. KITCHEN,
Acting President,
Commodity Credit Corporation.

1945 SCHEDULE OF PURCHASE PRICES PER 100 POUNDS OF CLEAN SEED [1]

Kind of seed	Total, winter legumes (percent)	Purity (percent) [2]	Percentage	Germination, including hard seed [3]				
			90%	85%	80%	75%	70%
Hairy vetch [4] [5]	98	95	$12.00	$11.20	$10.40	$9.60	$8.80
	98	90	11.55	10.75	9.95	9.15	8.35
	98	85	11.10	10.30	9.50	8.70	7.90
	98	80	10.65	9.85	9.05	8.25	7.45
		75	10.20	9.40	8.60	7.80	7.00
		70	9.75	8.95	8.15	7.35	6.55
			85%	80%	75%	70%	65%
Crimson clover: [6] [7]							
Maximum		98	$11.50	$10.70	$9.90	$9.10	$8.30
1% Weed seed		97	11.30	10.50	9.70	8.90	8.10
2% Other crop seed		96	11.10	10.30	9.50	8.70	7.90
			90%	85%	80%	75%	
Ryegrass: [8]							
Maximum		98	$7.50	$7.00	$6.50	$6.00	
2% other crop seed		97	7.40	6.90	6.40	5.90	
		96	7.30	6.80	6.30	5.80	
		95	7.20	6.70	6.20	5.70	
			90%	85%	80%	75%	70%
Willamette vetch: [9] [10]	98	98	$6.00	$5.55	$5.10	$4.65	$4.20
	98	97	5.975	5.525	5.075	4.625	4.175
	98	96	5.95	5.50	5.05	4.60	4.15
	98	95	5.925	5.475	5.025	4.475	4.025
	98	90	5.80	5.35	4.90	4.35	3.90
	98	85	5.675	5.225	4.775	4.225	3.775
	98	80	5.55	5.10	4.65	4.10	3.65
	98	75	5.425	4.975	4.525	3.975	3.525
	98	70	5.30	4.85	4.40	3.85	3.40

[1] In the East Central and Southern Divisions of the Field Service Branch, Production and Marketing Administration, add $1 to the prices in this schedule to offset transportation cost from other areas.

[2] All seed is to be labeled in accordances with the State Seed Laws of the State in which the seed is produced and must come within the weed seed limitations of such State. No shipment of any seed shall be made to any State unless the seed is tagged in accordance with labeling requirements of the particular State and the Federal Seed Act and is of such a quality as to fall within the seed limitations of such State.

[3] The weighted average germination may be used in determining the germination of mixtures of winter legume seed.

[4] The value of hairy vetch seed may be computed proportionately for each percent variation within the range indicated for purity and germination instead of the 5 percent steps illustrated.

[5] Includes wollypod vetch seed.

[6] The value of crimson clover seed in the East Central and Southern Regions of the Field Service Branch, Production and Marketing Administration, is subject only to $0.50 discount at 80 percent germination and $1.00 at 75-percent germination instead of the $0.80 and $1.60 shown in the above schedule. In other States the value may be computed proportionately for each percent variation in germination within the range indicated.

[7] In Kentucky, crimson clover seed containing onion bulblets not to exceed 5 per ounce will be purchased at a discount of 1 cent per pound.

[8] The value of ryegrass seed may be computed proportionately for each percent variation in germination within the range indicated.

[9] The value of Willamette vetch seed may be computed proportionately for each percent variation in purity and germination within the range indicated.

[10] Includes hairy and wollypod vetch seed, but minimum of 70-percent Willamette required for eligibility.

[F. R. Doc. 45-23223; Filed, Dec. 29, 1945; 4:01 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5488]

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

TAXABILITY OF INCOME OF CERTAIN TRUSTS

In order to conform Regulations 111 (26 CFR, Cum. Supp., Part 29) to the principles set forth in the decision of the Supreme Court in the case of *Helvering* v. *Clifford*, 309 U. S. 331, such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately following § 29.22 (a)-20:

§ 29.22 (a)-21 *Trust income taxable to the grantor as substantial owner thereof*—(a) *Introduction.* Income of a trust is taxable to the grantor under section 22 (a) although not payable to the grantor himself and not to be applied in satisfaction of his legal obligations if he has retained a control of the trust so complete that he is still in practical effect the owner of its income. *Helvering* v. *Clifford*, 309 U. S. 331. In the absence of precise guides supplied by an appropriate regulation, the application of this principle to varying and diversified factual situations has led to considerable uncertainty and confusion. The provisions of this section accordingly resolve the present difficulties of application by defining and specifying those factors which demonstrate the retention by the grantor of such complete control of the trust that he is taxable on the income therefrom under section 22 (a). Such factors are set forth in general in paragraph (b) and in detail in paragraphs (c), (d) and (e), below.

(b) *In general.* In conformity with the principle stated in paragraph (a) above, the income of a trust is attributable to the grantor (except where such income is taxable to the grantor's spouse or former spouse under section 22(k) or 171) if:

(1) The corpus or the income therefrom will or may return after a relatively short term of years (see paragraph (c));

(2) The beneficial enjoyment of the corpus or the income therefrom is subject to a power of disposition (other than certain excepted powers), whether by revocation, alteration or otherwise, exercisable by the grantor, or another person lacking a substantial adverse interest in such disposition, or both (see paragraph (d)); or

(3) The corpus or the income therefrom is subject to administrative control, exercisable primarily for the benefit of the grantor (see paragraph (e)).

(c) *Reversionary interest after a relatively short term.* Income of a trust is taxable to the grantor where the grantor has a reversionary interest in the corpus or the income therefrom which will or may reasonably be expected to take effect in possession or enjoyment:

(1) Within 10 years commencing with the date of the transfer, or

(2) Within 15 years commencing with the date of the transfer if the income is or may be payable to a beneficiary other than a donee described in section 23 (o) and if any one or more of the following powers of administration over the trust corpus or income are exercisable solely by the grantor, or spouse living with the grantor, or both, whether or not exercisable as trustee: a power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, and a power to reacquire the trust corpus by substituting other property, whether or not of an equivalent value.

Where the grantor's reversionary interest is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years, the trust income is nevertheless attributable to him if such event is the practical equivalent of the expiration of a period less than or equal to 10 or 15 years, as the case may be. For example, a grantor is taxable on the income of a trust if:

(i) The corpus is to return to him or his estate on the death of a person whose life expectancy is six years at the date of the transfer in trust; or

(ii) The corpus is to return to him or his estate on the graduation from college or prior death of his son, who is 18 years of age at the date of the transfer in trust.

In general, a reversionary interest may reasonably be expected to take effect in possession or enjoyment within 10 or 15 years, as the case may be, where the corpus of the income therefrom is to be reacquired if the grantor survives any stated contingency which is of an insubstantial character. Thus, the grantor is taxable where the trust income is to be paid to the grantor's wife for three years, and the corpus is then to be returned to the grantor if he survives such period, or to be paid to the grantor's wife if he is already deceased.

Any postponement of the date specified for the reacquisition of possession or enjoyment of the reversionary interest is considered a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. But income for any period shall not be taxable to the grantor by reason of the preceding sentence if such

income would not be taxable to him in the absence of such postponement.

Example. A places property in trust for the benefit of his son B. Upon the expiration of 12 years or the earlier death of B the property is to be paid over to A or his estate. Neither A nor his wife has any power of administration over the trust corpus or income. After the expiration of nine years A extends the term of the trust for an additional two years. A is considered to have made a new transfer in trust for a term of five years. He is not taxable on the income for the first three years of such term because he would not be taxable thereon if the term of the trust had not been extended. A is taxable, however, on the income for the remaining two years.

(d) *Power to determine or control beneficial enjoyment of income or corpus.* Income of a trust is taxable to the grantor where, whatever the duration of the trust, the beneficial enjoyment of the corpus or the income therefrom is subject to a power of disposition (except as provided in section 167 (c) and as hereafter provided in exceptions (1) to (5), inclusive), whether by revocation, alteration, or otherwise, exercisable (in any capacity and regardless of whether such exercise is subject to a precedent giving of notice or is limited to some future date) by the grantor, or any person not having a substantial adverse interest in the beneficial enjoyment of the corpus or income, whichever is subject to the power, or both. The grantor is not taxable, however, if the power, whether exercisable with respect to corpus or income, may only affect the beneficial enjoyment of the income for a period commencing more than 10 years from the date of the transfer (or 15 years where any power of administration specified in paragraph (c) is exercisable solely by the grantor, or spouse living with the grantor, or both, whether or not as trustee). For example, if a trust created on January 1, 1940 provides for the payment of income to the grantor's wife, and the grantor does not reserve any such administrative power but reserves the power to substitute other beneficiaries in lieu of his wife on or after January 1, 1950, the grantor is not taxable on the trust income for the period prior to January 1, 1950. But the income will be attributable to the grantor for the period beginning on such date unless the power is relinquished. If the beginning of such period is postponed, such postponement is considered a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. But income for any period shall not be taxable to the grantor by reason of the preceding sentence if such income would not be taxable to him in the absence of such postponement. Where the income affected by the power is for a period beginning by reason of some event other than the expiration of a specific term of years, the grantor will be taxable if such event is the practical equivalent of the expiration of a period less than or equal to 10 or 15 years, as the case may be, in accordance with the criteria stated in paragraph (c).

This paragraph shall not apply to any one or more of the following excepted powers:

(1) A power exercisable only by will, other than a power in the grantor to appoint the income of the trust where the income is accumulated for such disposition by the grantor, or may be so accumulated in the discretion of the grantor, or any person not having a substantial adverse interest in the disposition of such income, or both. For example, if a trust provides that the income is to be accumulated during the grantor's life and that the grantor may appoint the accumulated income by will, the grantor is taxable on the trust income;

(2) A power to determine the beneficial enjoyment of the corpus or the income therefrom if such corpus or income, as the case may be, is irrevocably payable for the purposes and in the manner specified in section 23 (o);

(3) A power which merely enables the grantor or another person to distribute or apply income to or for a current income beneficiary or to accumulate such income for him: *Provided*, That any accumulated income must ultimately be payable to the beneficiary from whom distribution or application is withheld, or, if payable upon the complete termination of the trust or in conjunction with a distribution of corpus which distribution is augmented by such accumulated income, is ultimately payable to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument.

Accumulated income shall be considered so payable alhough it is provided that if any beneficiary does not survive the date of distribution, the share of such deceased beneficiary is to be paid to a designated alternate taker, other than the grantor or his estate, if such date may reasonably be expected to occur within the beneficiary's lifetime, and if the share of such alternate taker has been irrevocably specified in the trust instrument;

(4) A power which merely enables the grantor or another person to pay out corpus to or for a current income beneficiary: *Provided*, That any such payment of corpus must be chargeable against the proportionate share of corpus held in trust for the payment of income to such beneficiary as if such corpus constituted a separate trust, or: *Provided*, That the power is limited by some reasonably definite external standard. For the requirements of such standard, see exception (5);

(5) A power to apportion income (whether by distribution or accumulation) to or within a class of beneficiaries if such power is exercisable exclusively by a trustee other than the grantor or spouse living with the grantor and its exercise is not subject to the approval or consent of any person other than such trustee and is limited by some reasonably definite external standard. Such standard must be set forth in the trust instrument, must consist of the needs and circumstances of the beneficiaries within the class, and must be susceptible of enforcement by a court of equity. For example, a provision authorizing the payment of income to members of a class in such amounts as the trustee shall determine wise and proper in the exercise of his honest discretion, or in such amounts as the trustee determines to be in the best interests of the beneficiaries, does not meet the requirements of the external standard contemplated by this exception. Nor does a power to appoint within a class of beneficiaries fall within this exception if the trustee is enabled to add to or eliminate from the class of beneficiaries designated to receive the income except insofar as provision may be made for after-born children.

The application of this exception may be illustrated by the following examples, in which it is assumed that the trustee is neither the grantor nor his wife:

Example (1). A transfers property to X as trustee to pay the income in equal shares to B, C, and D, the grantor's three sisters. In any year, however, X may distribute to any one sister an amount not to exceed 60 percent of the income for that year, provided that the needs of such sister in the particular year, due to illness or poor financial circumstances, are proportionately greater than those of the other sisters. The income of the trust is not taxable to the grantor by reason of such limited power in the trustee. Such income, however, would be taxable if the exercise by X of his power of distribution were not dependent upon the needs of the sisters.

Example (2). A transfers property to X as trustee to pay to A's wife such part of the income as X may consider wise and proper for the comfort and happiness of the wife and to pay the balance of the income to A's son. The income is taxable to the grantor since the power to apportion income is not limited by any reasonably definite external standard.

A mere power to allocate receipts as between corpus and income, even though expressed in broad language, is not deemed a power over beneficial enjoyment with respect to income or corpus.

(e) *Administrative control.* Income of a trust, whatever its duration, is taxable to the grantor where, under the terms of the trust or the circumstances attendant on its operation, administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. Administrative control is exercisable primarily for the benefit of the grantor where:

(1) A power exercisable by the grantor, or any person lacking a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor or any person to purchase, exchange or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate and full consideration in money or money's worth; or

(2) A power exercisable by the grantor, or spouse living with the grantor, or both, whether or not in the capacity of trustee, or exercisable by any other person in a nonfiduciary capacity, or by such person and either of the foregoing, or both, enables the grantor to borrow such corpus or income, directly or indirectly, whether with or without adequate security or interest; or

(3) A power exercisable in a fiduciary capacity by a person other than the grantor or spouse living with the grantor enables the grantor to borrow such corpus or income, directly or indirectly, and such power has been exercised and the grantor has not completely repaid the loan, including any interest, before the beginning of the taxable year; or

(4) Any one of the following powers of administration over the trust corpus or income is exercisable by any person in a nonfiduciary capacity: a power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, and a power to reacquire the trust corpus by substituting other property, whether or not of an equivalent value.

If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. Such presumption may be rebutted only by clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, it is presumed that the power is exercisable in a nonfiduciary capacity. But such presumption may be rebutted if it appears, from all the terms of the trust and the circumstances surrounding its creation and administration, that the power is exercisable primarily in the interests of the beneficiaries.

The mere fact that a power exercisable by the trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth. On the other hand, such authority may be indicated by the actual administration of the trust.

(f) *Limitations of section.* Despite the limitations of this section, the grantor of a trust directing the payment or application of the income therefrom in satisfaction of the grantor's legal obligations shall continue to be taxable on the income. The grantor may also be taxable on the income of a trust on the ground that such income is attributable to him in a capacity unrelated to dominion and control over the trust as such as defined in paragraphs (c), (d) and (e) of this section. Thus, the provisions of this section do not affect the principles governing the taxability of future income to the assignor thereof whether or not the assignment is by means of a trust. Nor, for example, do the provisions of this section affect the applicability of section 22 (a) to the creator of a family partnership. See further sections 166 and 167.

Section 22 (a) shall be applied in the determination of the taxability of trust income for taxable years beginning prior to January 1, 1946 without reference to this section.

§ 29.22 (a)–22 *Trust income taxable to person other than grantor.* Where a person other than the grantor of property transferred in trust has a power exercisable solely by himself to vest the corpus or the income therefrom in himself, the income therefrom shall be included in computing the net income of such person. Even though such a power has been partially released or otherwise modified so that the person holding it can no longer vest the corpus or the income of the trust in himself, the income shall continue to be taxable to such person if, after such release or modification, he has retained such control of the trust as would, within the principles of § 29.22 (a)–21, subject a grantor of such a trust to tax on the income thereof. This section shall not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor is otherwise taxable under § 29.22 (a)–21. See also § 29.166–2.

Section 22 (a) shall be applied in the determination of the taxability of trust income for taxable years beginning prior to January 1, 1946 without reference to this section.

PAR. 2. Section 29.161–1 is amended as follows:

(A) By striking out the fourth paragraph of paragraph (a) and inserting in lieu thereof the following:

The provisions of sections 161, 162, and 163 (relating to estates and trusts, fiduciaries, and beneficiaries) contemplate that the corpus of the trust, or the income therefrom, is, within the meaning of the Internal Revenue Code, no longer to be regarded as that of the grantor. If, by virtue of the nature and purpose of the trust, the corpus or income therefrom remains attributable to the grantor, these provisions do not apply. Thus, the provisions of sections 166 and 167 deal with certain trusts which are excluded from the scope of sections 161, 162, and 163. Other trusts not specified in sections 166 and 167 where the income is attributable to the grantor are likewise excluded from the scope of sections 161, 162, and 163. For example, a grantor is taxable under section 22 (a) on the income of a trust if he is still in practical effect the owner of the income. See § 29.22 (a)–21. A grantor is also taxable under section 22 (a) on the income of a trust providing for the payment and application of such income in satisfaction of his legal obligations. So-called alimony trusts to which section 22 (k) or section 171 applies may be of a type to which the provisions of sections 161, 162, and 163 also apply, or of a type which is excluded from the provisions of sections 161, 162, and 163. Except to the extent that section 22 (k) or section 171 governs the taxability of amounts paid, credited, or to be distributed attributable to trust property, the treatment of such trusts under sections 161, 162, and 163 or under sections 22 (a), 166, and 167 is not affected by section 22 (k) or section 171. See section 165 as to the exemptions of employees' trusts.

(B) By striking out the first sentence of subsection (b) and inserting in lieu thereof the following:

The fiduciary is required to make and file the return and pay the tax on the net income of the estate or trust except as otherwise provided in sections 22 (a), 165, 166, and 167, and §§ 29.22 (a)–21, 29.22 (a)–22, 29.166–1, 29.166–2, and 29.167–1.

PAR. 3. Section 29.162–1, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended as follows:

(A) By striking out the introductory clause at the beginning of the fourth paragraph thereof which reads as follows: "There is included in the income of the estate or the trust, unless it is included in the income of the grantor of the trust (see §§ 29.166–1 and 29.167–1)—", and by inserting in lieu thereof the following:

There is included in the income of the estate or the trust, unless it is included in the income of the grantor of the trust, or in the income of some other person granted the power exercisable solely by himself to vest the property in himself (see §§ 29.166–1, 29.166–2, 29.167–1, 29.22 (a)–21, and 29.22 (a)–22)—

(B) By striking out the last sentence of the fourth paragraph and inserting in lieu thereof the following:

In all such cases the tax with respect to such income included in the income of the estate or trust for its taxable year is payable by the fiduciary, except where the income is deductible by the estate or trust for such taxable year (and is includible in the income of the legatee or beneficiary).

PAR. 4. Section 29.166–1 is amended by changing the heading thereof to read as follows: "*Trusts with respect to the corpus of which the grantor is regarded as remaining in substance the owner; taxable years beginning prior to January 1, 1946.*"

PAR. 5. There is added immediately after § 29.166–1 the following new section:

§ 29.166–2 *Trusts with power to revest corpus in the grantor; taxable years beginning after December 31, 1945.*—(a) *Scope.* Where the power to revest in the grantor title to any part of the corpus of a trust is vested in the grantor or in any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, or both, the income of that part of the corpus subject to the power to revest is not taxable in accordance with the provisions of sections 161, 162, and 163 but remains attributable and taxable to the grantor, except as provided in sections 22 (k) and 171. This section deals with the taxation of such income. As used in this section the term "corpus" means any part or the whole of the property, real or personal, constituting the subject-matter of the trust.

For rules applicable to trusts the income of which is taxable to the grantor under section 22 (a) because the grantor has retained a control of the trust so complete that he is still in practical effect the owner of its income, see § 29.22 (a)–21.

For rules applicable to trusts the income of which is taxable under section 22 (a) to a person other than the grantor because of a power, exercisable solely by such other person, to vest the property or the income therefrom in himself, see § 29.22 (a)–22.

(b) *Test of taxability to grantor.* Section 166 provides for taxability of income to the grantor by reason of the fact that he has retained power to revest the corpus in himself. For the purposes of this section the grantor is deemed to have

retained such power if he, or any person not having a substantial interest in the corpus or the income therefrom adverse to the grantor, or both, may cause the title to the corpus to revest in the grantor. A bare legal interest, such as that of a trustee, is never substantial and never adverse. If the title to the corpus will revest in the grantor upon the exercise of such power, the income of the trust is attributed and taxable to the grantor (except as provided in section 22 (k) or 171) regardless of:

(1) Whether such power or ability to retake the trust corpus to the grantor's own use is effected by means of a power to revoke, to terminate, to alter or amend, or to appoint;

(2) Whether the exercise of such power is conditioned on the precedent giving of notice or on the elapsing of a period of years, or on the happening of a specific event;

(3) The time at which the title to the corpus will revest in the grantor in possession and enjoyment, whether such time is within the taxable year or not, or whether such time be fixed, determinable, or certain to come;

(4) Whether the power to revest in the grantor title to the corpus is in the grantor, or in any person not having a substantial interest in the corpus or income therefrom adverse to the grantor, or in both;

(5) When the trust was created.

A person may have an interest that is both substantial and adverse to the grantor in the disposition of only part of the corpus or the income therefrom. If the power to revest title in the grantor is vested in him in conjunction with such person, or is vested solely in such person, there is to be excluded in computing the net income of the grantor only the income of such part.

(c) *Income and deductions.* If income from the corpus of a trust is included in the gross income of the grantor under this section because of a power to revest such corpus in the grantor, he shall be allowed those deductions with respect to such corpus as he would have been entitled to had the trust not been created.

PAR. 6. There is added at the end of the fourth paragraph of § 29.167–1 (b), as amended by Treasury Decision 5392, approved July 15, 1944, the following sentence:

See § 29.22 (a)–21.

PAR. 7. There is added at the end of the fourth paragraph of § 29.167–2, as amended by Treasury Decision 5392, the following sentence:

See § 29.22 (a)–21.

(Sec. 62, I.R.C. (53 Stat. 32; 26 U.S.C., 62))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: December 29, 1945.

JOSEPH J. O'CONNELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-23229; Filed, Dec. 29, 1945; 4:10 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 804—REGULATIONS RELATING TO WAGE AND SALARY INCREASES SUBJECT TO JURISDICTION OF NATIONAL WAR LABOR BOARD

Sec.

AUTHORITY: §§ 804.1 to 804.13, inclusive, issued under 56 Stat. 765, 57 Stat. 163; 50 U.S.C. App., Sup., 961–971, 1501–1511; E.O. 9017, 9250, 9328, 9381; 3 CFR Cum. Supp. and 1943 Supp. E.O. 9599, 10 F.R. 10155, E.O. 9651, 10 F.R. 13487. Regulations of Economic Stabilization Director as amended; Part 4001 of Title 32.

§ 804.1 *Purpose of this part.* Under the Stabilization Act of 1942, as amended, and the Executive orders, regulations of the Office of the Stabilization Administrator[1] and General Orders of the National War Labor Board issued thereunder, the general rule is established that wage or salary increases may be made lawfully in any amount and at any time after August 18, 1945, without the approval of the National War Labor Board. At present the only exceptions to this general rule are that wage increases to certain employees in the building construction industry and certain wage increases to employees in the basic steel industry require approval as provided in §§ 803.41 and 803.42 (National War Labor Board General Orders 41 and 42). As a general proposition, the stabilization program does not operate to limit the amount of wage increases which may be agreed upon jointly by an employer and a union or decided upon voluntarily by an employer where there is no union. The consequences of approval or nonapproval by the Board of a wage or salary increase (not coming within the above-noted exceptions) have to do only with the extent to which the increase may be used in determining price or rent ceilings, or in increased costs to the United States, by the Office of Price Administration in determining price or rent ceilings or by a government procurement agency in determining costs to the United States.

This part summarizes the various provisions as to which wage and salary increases require approval by the National War Labor Board, and also set out the standards pursuant to which approval will be granted where price or rent ceilings or increased costs to the Government may be involved. The subject of wage and salary decreases (which require prior Board approval) is not covered in this part.

§ 804.2 *Definitions as used in this part.* (a) The term "Board" means the National War Labor Board or any agency which may succeed to the functions and responsibilities of the National War Labor Board with respect to wage and salary stabilization.

(b) The term "wage increase" means an increase in such wages or salaries as are subject to the jurisdiction of the Board under the provisions of § 4001.2 of the regulations of the Office of Stabilization Administrator.

§ 804.3 *Wage increases effected after August 18, 1945.* Subject to the exceptions stated in §§ 804.5 and 804.6, any wage increase put into effect on or after August 18, 1945, is lawful under the wage stabilization laws without the approval of the Board. Any such wage increase may not, however, be used as the basis for increasing price or rent ceilings or for increased costs to the United States (except to the extent provided in the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator, dated December 5, 1945), unless the wage increase has been approved by the Board under the standards described in this part.

§ 804.4 *Unlawful wage increases effected prior to August 18, 1945.* If a wage increase was put into effect unlawfully prior to August 18, 1945, the increase will be deemed unlawful for the period prior to August 18, 1945, but the increased rate will be deemed to be lawful for the period thereafter.

§ 804.5 *Wage increases in the building construction industry.* A wage increase may not lawfully be put into effect for mechanics and laborers in the building and construction industry employed directly upon the site of the work, unless the increase has first been approved in accordance with the requirements of § 803.41 (National War Labor Board General Order 41). Such approval must be obtained from the Wage Adjustment Board for the building construction industry, as provided by § 803.13 (National War Labor Board General Order 13).

§ 804.6 *Certain wage increases in the basic steel industry.* An increase in the wage rates of employees in the basic steel industry covered by the Directive Order of the Board of November 25, 1944 may not lawfully be made for the purpose of eliminating intra-plant inequities unless such increase has been approved by the Steel Commission in accordance with the provisions of § 303.42 (National War Labor Board General Order 42.)

§ 804.7 *Time for obtaining approval of wage increases.* Wage increases covered by the provisions of §§ 804.5 and 804.6 must be approved prior to being put into effect. In all other cases Board approval for a wage increase may be sought at any time irrespective of

[1] As used in these regulations the term "Stabilization Administrator" includes also the Economic Stabilization Director in the case of actions taken before September 20, 1945.

whether the wage increase has already been put into effect.

§ 804.8 *Applications conditioned on price increases.* Under section 308 of the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator dated December 5, 1945, the Board may not entertain an application for approval of a wage increase if the increase appears to be conditioned in whole or in part upon the granting of an increase in price or rent ceilings. This provision, however, does not bar consideration of an increase which is conditioned upon approval by the Board nor of an increase which is not to be put into effect until a determination has been made by the Office of Price Administration as to whether an increase in price ceilings is required.

§ 804.9 *Advance approval of certain wage increases.* A wage increase or the institution of a new wage or salary rate which conforms with the requirements of §§ 803.6, 803.30 and 803.38 (National War Labor Board General Orders 6, 30 and 38) is given advance approval by the Board as of the time it is put into effect without the necessity for seeking specific Board approval. The Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator, dated December 5, 1945, provide that any such increase or institution of a new rate is likewise approved by that Office. Moreover, no further approval of the Board or of the Office of Stabilization Administrator is necessary for a wage increase (a) approved prior to August 18, 1945; or (b) lawfully put into effect without approval before such date; or (c) put into effect at any time in accordance with the terms of a wage or salary schedule or plan (including a bonus plan) which was lawfully in effect prior to August 18, 1945.

§ 804.10 *Wage increases approvable before August 18, 1945.* Executive Order 9651 and section 303 of the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator, dated December 5, 1945, authorize the Board to approve, on application, any wage increase which could have been approved under the standards in effect on August 17, 1945 (except the standards relating to "rare and unusual" cases). These standards are established by Executive Orders 9250 and 9328, the policy directives issued by the Director of Economic Stabilization, dated May 12, 1943, March 8, 1945, and April 15, 1945, and the Regulations of the Stabilization Administrator, as developed by decisions of the National War Labor Board.

§ 804.11 *Wage increases under cost-of-living formula.* (a) Executive Order 9651 and section 304 of the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator, dated December 5, 1945, authorize the Board to approve, on application, cost-of-living wage increases, under the conditions outlined in this section, where average straight-time hourly earnings of the employees in an appropriate unit have not increased by as much as 33% since January of 1941. Thirty-three percent (33%) is the amount by which the cost of living is deemed to have risen between January, 1941 and September, 1945 and is hereafter referred to as "the maladjustment allowance."

(b) The Board will approve a wage increase under this section to the extent that it finds (1) that the average straight-time hourly earnings of the employees in an appropriate unit will not be more than 133% of the average straight-time hourly earnings for January 1941, after the effect of the wage increase for which approval is sought has been calculated; and (2) that the wage increase corrects a maladjustment or inequity which would interfere with the effective transition to a peacetime economy. The second of the two specified findings will usually, but not necessarily, be made as a consequence of making the first finding.

(c) The determination of whether a wage increase for which approval is sought may be approved under this section requires first the determination of an appropriate unit. The controlling provisions of the Executive order and the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator do not provide that approval may be given for increases to an individual employee within an appropriate unit even though such individual's average straight-time hourly earnings have not increased by 33% since January 1941. The determination is based, rather, on an average of the straight-time hourly earnings of all employees in the appropriate unit.

The determination as to what constitutes the appropriate unit in a particular case depends upon the facts of that case. The following guides will be applied by the Board in making such determination in the normal case:

(1) Where there is a bargaining unit which has been certified by the National Labor Relations Board or a state labor relations agency, or where a bargaining unit has been recognized by the employer for collective bargaining purposes, such unit will be deemed to be the appropriate unit for the purpose of this section, except as may be otherwise indicated in paragraph (2) below.

(2) Where there is no certified or recognized collective bargaining unit, or where a unit other than that indicated in paragraph (1) above has been used as an appropriate unit by an applicant in its normal collective bargaining relationships or for purposes of wage rate-setting or has been used in the application of previous wage stabilization rules and regulations, the determination of the appropriate unit will be made in the light of the previous wage-setting practices and other facts of the particular case.

(d) After the appropriate unit has been determined, a comparison must be made between the average straight-time hourly earnings in such unit as of two separate pay-roll periods, hereafter called "the base period" and "the comparison period." These two periods will be selected in acordance with the following rules:

(1) The base period ordinarily will be any payroll period the major portion of which fell within the month of January, 1941. A "substitute base period" will be used if the appropriate unit was not in operation in January, 1941 or if the January 1941 base period would not be representative of normal conditions.

(2) The comparison period to be used will depend upon whether or not the increase for which approval is sought has been made prior to the filing of the application for its approval. Where approval is sought for an increase not put into effect prior to application for its approval, the comparison period will be any payroll period the major portion of which fell within the period of 30 days prior to the filing of the application. Where approval is sought for an increase put into effect subsequent to August 18, 1945 but prior to the filing of the application, the comparison period should be the payroll period immediately preceding the payroll period in which the increase was put into effect. A "substitute comparison period" will be used if the appropriate unit was not in operation during the prescribed comparison period or if the average straight-time hourly earnings during the prescribed comparison period were affected by temporary abnormal conditions.

(3) Where the use of a substitute base period or comparison period is requested in an application, the request must be supported by a showing of all relevant data as to the abnormal conditions existing during the prescribed base or comparison period.

(4) Where a substitute base period is used, it will be the payroll period nearest January 1941 during which substantially normal conditions existed in the unit. Where a substitute comparison period is used, it will be the payroll period nearest the prescribed comparison period, during which substantially normal conditions existed in the unit.

(e) The method for computing average straight-time hourly earnings is the same for the base period and for the comparison period and shall be made in accordance with the following rules:

(1) The payroll for the employees in the appropriate unit during the properly selected payroll period is the basis for the computation.

(2) There shall be included in the total of such payroll all amounts deducted for Social Security taxes, for withheld income taxes and for any other deducted items. There shall also be included the amount of all regularly recurring bonuses paid as part of the regular wages.

(3) There shall be excluded from the total pay roll all extra payments for overtime, all payments to employees not actually working during the period (e. g. employees on vacation or sick leave), all night shift bonuses and any extra payments not considered part of the regular wages of the employees.

(4) The total pay roll for the period, adjusted as a result of the inclusions and exclusions indicated above, shall then be divided by the total employee-hours worked in the unit during the period. The result will be the average straight-time hourly earnings for such period.

(5) If, because of unusual circumstances peculiar to the particular unit involved, there has been an abnormal change in the distribution of employees among different job classifications or in the nature of the job or the work performed (including changes in production factors due to incentive or piece rate systems, technological changes, etc.), an

appropriate adjustment may be required. Any such proposed adjustment in the computation of average straight-time hourly earnings must be fully explained on the application which is filed with the Board.

(f) When the average straight-time hourly earnings of the employees of the appropriate unit have been determined for the base period and the comparison period, the amount of any cost-of-living wage increase which may be approved for purposes of price relief or increased cost to the Government can be arrived at by mathematical calculation.

(1) The amount approvable for purposes of price relief or increased cost to the government as a cost-of-living wage increase is that part of the increase which does not result in raising the average straight-time hourly earnings for the comparison period by more than 33% above the average straight-time hourly earnings for the base period.

Example

Average straight-time hourly earnings for base period: $0.85.

Average straight-time hourly earnings for comparison period: $1.04.

$0.85×1.33=$1.13. Subtracting $1.04 from $1.13 leaves 9¢ as the amount of increase in average straight-time hourly earnings which will bring such earnings to a level comparable to the increase in the cost of living. The Board could, therefore, approve a general increase up to 9¢ per hour for all employees in the unit or any other type of increase which would not result in raising the average straight-time hourly earnings of all employees to more than $1.13 per hour.

(2) Where a substitute base period, later than January, 1941, is used, the maladjustment allowance will be something less than 33%. Therefore the amount approvable as a cost-of-living wage increase will be a wage increase which results in raising the average straight-time hourly earnings for the comparison period by some percentage less than 33% above the average straight-time hourly earnings for the substitute base period. The amount of the applicable maladjustment allowance to be used in such cases, which corresponds with the proportionate amount of the rise in the cost of living between any given substitute base period and September, 1945, is indicated in the table set forth at the end of this part. Thus, if the substitute base period falls within the month of April, 1944, the applicable maladjustment allowance will be 4% instead of 33%.

Example

Average straight-time hourly earnings for substitute base period—April 1944: $0.85 (Maladjustment allowance applicable for April 1944 is 4%)

Average straight-time hourly earnings for comparison period: 1.04

$0.85×1.04%=$0.88 Since the average straight-time hourly earnings already exceed $0.88, no wage increase would be approvable by the Board for price relief purposes.

§ 804.12 *Wage increases to correct interplant inequities.* (a) Executive Order 9651 and section 305 of the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator, dated December 5, 1945, authorize the Board to approve on application, a wage increase found to be necessary to correct an inequity in wage rates or salaries among plants in the same industry or locality which would interfere with the effective transition to a peacetime economy. The provisions of the Executive order and the regulations covering this point provide specifically that in making the wage rate comparison called for, due consideration must be given to normal competitive relationships.

(b) The Board will normally approve a wage or salary increase under this section to the extent that it finds that the rates of the applicant are below the level of prevailing rates paid for comparable jobs in the same industry or locality, as defined in this section.

(c) The determination of the prevailing rate level will be made on the basis of information submitted in the application as supplemented or corroborated by other data available to the Board. Where the information used is that upon which previous wage stabilization standards have been based, it will be adjusted to allow for any changes in prevailing rates since this information was collected.

(d) The prevailing wage rate level will usually be considered to be the level of rates most commonly paid for a particular type of job. Where no well defined level is ascertainable, the prevailing wage rate may be considered to be the weighted average of rates paid for the comparable jobs.

(e) Applications for approval of increases under this section may be made either for individual job classifications or for groups of such classifications (for example, departments or entire plants). Where the request covers only certain job classifications, the rates requested will be compared with rates paid in other plants or establishments for similar types of work.

Increases in certain job classification rates approved on the interplant inequity basis will generally not be recognized as a basis for the subsequent approval of increases for other related job classifications on an intraplant inequity basis. Applicants should accordingly make certain that the granting of increases in certain classifications, on the ground that such increases are necessary to eliminate interplant inequities, will not create new inequities in relation to other rates within the subject plant.

(f) In finding the applicable prevailing level of rates, there will be taken into account only the wage rates paid in those other plants or establishments whose rates bear a pertinent relationship to the rates of the applicant. The comparison must be made on a basis which is representative rather than selective. In many cases the proper comparison will be with all other rates paid in the area, or in a representative segment of the industry, for similar types of work. The following guides suggest the factors which will be taken into account in determining the proper basis for interplant wage rate comparisons in a particular case:

(1) A pertinent relationship will normally exist where there is a history of collective bargaining in the course of which the applicant's rates have regularly been adjusted to correspond with those of other specified employers. It will not be sufficient, to establish this relationship, that there can be established simply a pattern of coincidental wage adjustments; it must also be shown that applicant's wage setting practices were related to those of other employers so that changes in the rates paid by one employer were regarded as virtually requiring a change by the other. It will be necessary, to establish this type of relationship, to show that the applicant has been committed, by contract provision, by an announced policy or by an established practice, to make wage adjustments following those made by another employer.

(2) A pertinent relationship will normally exist as between employers grouped together for purposes of applying previous wartime wage stabilization standards, except as it may be shown that a labor market or industry situation has so changed as to disrupt this wartime relationship.

(g) The interplant wage rate comparison shall be made, insofar as possible, as of the time immediately prior to the application for approval of the wage increase. Where there is involved, however, a wage adjustment made as part of an adjustment affecting an entire industry or a substantial segment of an industry, no account will normally be taken of such adjustment in ascertaining prevailing rates except as provided in paragraph (f) (1) above.

(h) Where a wage increase is approvable only in part as a cost-of-living increase, the remainder of the increase may be approvable under this section only to the extent that an interplant inequity will continue to exist after the cost-of-living adjustment is made.

§ 804.13 *Wage increases in bottleneck industries.* Under Executive Order 9651 and section 306 of the Supplementary Wage and Salary Regulations of the Office of Stabilization Administrator, dated December 5, 1945, it is provided that the Stabilization Administrator may issue an order, under certain conditions, which will authorize approval of wage increases necessary to insure full production in an industry which is essential to reconversion and in which existing wage or salary rates are inadequate to the recruitment of needed manpower. No applications for approval of a wage increase under this section will be entertained by the Board unless the Stabilization Administrator has issued such an order. Such order will prescribe the conditions under which the Board will act on application for wage increases by applicants covered by the terms of such order.

TABLE

Base period:	*Applicable maladjustment allowance*
Jan.–Mar. 1941	33
Apr.–June 1941	29
July–Sept. 1941	25
Oct.–Dec. 1941	21
Jan.–Mar. 1942	17
Apr.–June 1942	14
July–Sept. 1942	13
Oct.–Dec. 1942	10
Jan.–Mar. 1943	8
Apr.–June 1943	5
July–Sept. 1943	5
Oct.–Dec. 1943	5
Jan.–Mar. 1944	5

TABLE—Continued

Base period:	*Applicable maladjustment allowance*
Apr.–June 1944	4
July–Sept. 1944	3
Oct.–Dec. 1944	2
Jan.–Mar. 1945	2
Apr.–June 1945	1
July–Sept. 1945	0

Approved: December 27, 1945.

BENJAMIN AARON,
Executive Director.

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 04-0]

PART 04—AIRPLANE AIRWORTHINESS

TRANSPORT CATEGORIES

Sec.

AUTHORITY: §§ 04.0 to 04.71, inclusive, issued under 52 Stat. 984, 1007, 1009, as amended; 49 U.S.C. 425 (a), 551 (a), 553.

§ 04.0 *Scope.* An airplane shall be shown to comply with the airworthiness requirements set forth in this part and shall have no characteristic which, according to the findings of the Administrator, makes the airplane unairworthy in order to become eligible for type and airworthiness certificates: *Provided,* That:

(a) If any of these requirements become inapplicable to a particular airplane because of increased knowledge of aeronautics or of the development of unforeseen design features, the Administrator shall accept designs shown to provide an equivalent standard of safety.

(b) Other requirements with respect to airworthiness found by the Administrator to provide an equivalent standard of safety shall be accepted in lieu of the requirements set forth in this part.

§ 04.00 *Date of effectiveness.* Aircraft certificated as a type on or after November 9, 1945, shall comply either with (1) the entire provisions of Part 04 of the CAB in effect immediately prior to that date, or (2) the entire provisions prescribed herein except that aircraft certificated under (1) may incorporate provisions of (2) when the Administrator finds the standard of safety to be equivalent to the particular and all related items of the latter.

Aircraft certificated as a type on or after January 1, 1948, shall comply with the provisions contained herein. If the prototype is not flown prior to January 1, 1948, and satisfactory evidence is presented indicating that the design work of the type was well advanced prior to November 9, 1945, and the delay of completion of the airplane was due to causes beyond the manufacturer's control, the Administrator may certificate the airplane as a type under the provisions of Part 04 which were in effect prior to November 9, 1945.

Unless otherwise specified, an amendment to this part will apply only to airplanes for which application for a type certificate has been received subsequent to the effective date of such amendment.

§ 04.01 *Airplane categories.* In this part airplanes are divided upon the basis of their intended operation into the following categories for the purposes of certification:

(a) *Transport.* Airplanes in this category must be multi-engine, are limited to non-acrobatic operation and intended for, but not limited to, scheduled passenger, cargo, or combined passenger and cargo carrying operation.

(b) *Restricted.* Airplanes in this category are intended to be operated for restricted purposes not logically encompassed by the transport category. The requirements of this category shall consist of all the provisions for the transport category which are not rendered inapplicable by the nature of the special purpose involved, plus suitable operating restrictions which the Administrator finds will provide a level of safety equivalent to that contemplated for the transport category.

§ 04.02 *Airworthiness certificates.* Airworthiness certificates are classified as follows:

(a) *NC certificates.* In order to become eligible for an NC certificate, the airplane must be shown to comply with all of the requirements contained in this part for at least one category, but not the restricted purpose category.

(b) *NR certificates.* In order to become eligible for an NR certificate, an airplane must be shown to comply with all of the requirements of the restricted purpose category.

(c) *NX certificates.* An airplane will become eligible for an NX certificate when the applicant presents satisfactory evidence that the airplane is to be flown for experimental purposes and the Administrator finds it may, with appropriate restrictions, be operated for that purpose in a manner which does not endanger the general public. The applicant shall submit sufficient data such as photographs to identify the airplane satisfactorily and, upon inspection of the airplane, any pertinent information found necessary by the Administrator to safeguard the general public.

An airplane manufactured in accordance with a type certificate (see § 04.03) and conforming with the type design will become eligible for an airworthiness certificate when, upon inspection of the airplane, the Administrator determines it so to conform and that the airplane is in a condition for safe operation. For each newly manufactured airplane this determination shall include a flight check by the applicant.

§ 04.03 *Type certificates.* A type certificate will be issued when the following requirements are met:

§ 04.031 *Data required for NC and NR certification.* The applicant for a type certificate shall submit to the Administrator the following:

Such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the airworthiness requirements. The descriptive data shall be known as the type design and shall consist of drawings and specifications disclosing the configuration of the airplane and all design features covered in the airworthiness requirements as well as sufficient information on dimensions, materials, and processes to define the strength of the structure. The type design shall describe the airplane in sufficient detail to permit the airworthiness of subsequent airplanes of the same type to be determined by comparison with the type design.

§ 04.032 *Inspection and tests for NC and NR certification.* The authorized representatives of the Administrator shall have access to the airplane and may witness or conduct such inspections and tests as are necessary to insure compliance with the airworthiness requirements.

§ 04.0320 *Inspection.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane conforms with the following:

(a) All materials and products are in accordance with the specification given in the type design.

(b) All parts of the airplane are constructed in accordance with the drawings contained in the type design.

(c) All manufacturing processes, construction, and assembly are such that

the design strength and safety contemplated by the type design will be realized in service.

§ 04.0321 *Flight tests.* Upon satisfactory completion of all necessary inspection and testing on the ground, and upon receipt from the applicant of a report of flight tests conducted by him, and satisfactory proof of the conformity of the airplane with the type design, such official flight tests as the Administrator finds necessary to prove compliance with this part shall be conducted.

§ 04.04 *Changes.* Changes shall be substantiated to demonstrate continued compliance of the airplane with the appropriate airworthiness requirements in effect when the particular airplane was certificated as a type unless the applicant chooses to show compliance with the currently effective requirements subject to the approval of the Administrator or unless the Administrator finds it necessary to comply with current airworthiness requirements.

§ 04.040 *Minor changes.* Minor changes to certificated airplanes which obviously do not impair the condition of the airplane for safe operation shall be approved by the authorized representatives of the Administrator prior to the submittal to the Administrator of any required revised drawings.

§ 04.041 *Major changes.* A major change is any change not covered by minor changes as defined in § 04.040.

§ 04.042 *Service experience changes.* When the Administrator finds that service experience indicates the need for design changes, the applicant shall submit for the approval of the Administrator engineering data describing and substantiating the necessary changes. Upon approval by the Administrator, these changes shall be considered as a part of the type design, and descriptive data covering these changes shall be furnished by the applicant to all aircraft owners concerned.

§ 04.0420 In the case of airplanes approved as a type under the terms of earlier airworthiness requirements, the Administrator may require that an airplane submitted for an original airworthiness certificate comply with such portions of the currently effective airworthiness requirements as may be necessary for safety.

§ 04.07 *Definitions.*

§ 04.070 *General.*

§ 04.0701 *Standard atmosphere.* The standard atmosphere shall be based upon the following assumptions:

(a) The air is a dry perfect gas.

(b) The temperature at sea level is 59° F.

(c) The pressure at sea level is 29.92 inches Hg.

(d) The temperature gradient from sea level to the altitude at which the temperature becomes −67° F. is −0.003566° F/Ft. and zero thereabove.

(e) The density, ρ_0, at sea level under the above conditions is 0.002378 lbs. Sec. 2/Ft.⁴

§ 04.0702 *Hot-day condition.* See § 04.4400.

§ 04.0703 *Airplane configuration.* This term refers to the position of the various elements affecting the aerodynamic characteristics of the airplane, such as landing gear, flaps, etc.

§ 04.071 *Weights.*

	Reference sections
Empty weight: The actual weight used as a basis for determining operating weights	04.112
Maximum weight: The maximum weight at which the airplane may operate in accordance with the airworthiness requirements	04.113
Minimum weight: The minimum weight at which compliance with the airworthiness requirements is demonstrated	04.114
Design take-off weight: The maximum weight used in the structural design of the airplane for flight conditions, special landing conditions with reduced descent velocity (§ 04.241(b)), and taxiing conditions	04.210
Design landing weight: The maximum weight used in the structural design of the airplane for normal landing conditions	04.240
Minimum design deight: The minimum weight condition investigated in the structural flight load conditions not greater than the minimum weight specified in § 04.114. Minimum weight	04.210
Unit weights for design purposes.	
Gasoline — 6 lbs. per U. S. gal.	
Lubricating Oil — 7.5 lbs. per U. S. gal.	
Crew and Passengers — 170 lbs. per person.	

§ 04.072 *Power.*

One horsepower. 33,000 ft./lbs. per minute.

Take-off power. The take-off rating of the engine established in accordance with Part 13, "Aircraft Engine Airworthiness", of this chapter.

Maximum continuous power. The maximum continuous rating of the engine established in accordance with Part 13, "Aircraft Engine Airworthiness," of this chapter.

§ 04.073 *Speeds.*

	Reference sections
V_t True airspeed of the airplane relative to the undisturbed air.	
In the following symbols having subscripts, V denotes	
(a) "Equivalent" airspeed for structural design purposes equal to $V_t\sqrt{\rho/\rho_0}=V_t\sqrt{\sigma}$.	
(b) "True indicated" or "calibrated" airspeed for performance and operating purposes equal to indicator reading corrected for position and instrument errors.	
V_{s0} stalling speed, in the landing configuration.	04.121
V_{s1} stalling speed in the configuration specified for particular conditions	04.121
V_{mc} minimum control speed	04.1312
V_f design speed for flight load conditions with flaps in the landing position	04.2110
V_p design maneuvering speed	04.2110
V_b design speed for 40 ft./sec. gust	04.2110
V_c design cruising speed	04.2110
V_d design dive speed	04.2110
V_{ne} never exceed speed	04.6001
Maximum structural cruising speed	04.6002

§ 04.074 *Structural terms.*

Structure. Those portions of the airplane the failure of which would seriously endanger the safety of the airplane.

Design wing area, S. The area enclosed by the wing outline (including allerons, and flaps in the retracted position, but ignoring fillets and fairings) on a surface containing the wing chords. The outline is assumed to extend through the nacelles and fuselage to the plane of symmetry.

Aerodynamic coefficients, C_L, C_N, C_M, etc., used herein, are nondimensional coefficients for the forces and moments acting on an airfoil, and correspond to those adopted by the U. S. National Advisory Committee for Aeronautics.

C_L = airfoil lift coefficient.

C_N = airfoil normal force coefficient (normal to wing chord line).

C_{NA} = airplane normal force coefficient (based on lift of complete airplane and design wing area).

C_M = pitching moment coefficient.

Loads	Reference sections
Limit load: The maximum load anticipated in service	04.200
Ultimate load: The maximum load which a part or structure must be capable of supporting	04.202
Factor of safety: The factor by which the limit load must be multiplied to establish the ultimate load	04.201
Load factor or acceleration factor, n: The ratio of the force acting on a mass to the weight of the mass. When the force in question represents the net external load acting on the airplane in a given direction, n represents the acceleration in that direction in terms of the gravitational constant.	
Limit load factor: The load factor corresponding to limit load.	
Ultimate load factor: The load factor corresponding to ultimate load.	

§ 04.1 *Flight requirements.*

§ 04.10 *General.*

§ 04.100 *Policy re proof of compliance.* Compliance with the requirements specified in § 04.1 governing functional characteristics shall be demonstrated by suitable flight or other tests conducted upon an airplane of the type, or by calculations based upon the test data referred to above: *Provided,* That the results so obtained are substantially equal in accuracy to the results of direct testing. Compliance with each requirement must be provided at the critical combination of airplane weight and center of gravity position, within the range of either, for which certification is desired for each practicably separable operating condition to which the requirement is applicable. Such compliance must be demonstrated by systematic investigation of all probable weight and center of gravity combinations or must be reasonably inferable from such as are investigated.

§ 04.101 The applicant shall provide a person holding an appropriate pilot certificate to make the flight tests, but a designated representative of the Administrator may pilot the airplane in so far as that may be necessary for the determination of compliance with the airworthiness requirements.

§ 04.102 Official type tests will be discontinued until correct measures have been taken by the applicant when either:

(a) The applicant's test pilot is unable or unwilling to conduct any of the required flight tests; or,

(b) Items of non-compliance with requirements are found which may render additional test data meaningless or are of such nature as to make further testing unduly hazardous.

§ 04.103 Adequate provisions shall be made for emergency egress and use of parachutes by members of the crew during the flight tests.

§ 04.104 The applicant shall submit to the representative of the Administrator a report covering all computations and

tests required in connection with calibration of instruments used for test purposes and correction of test results to standard atmospheric conditions. The representative of the Administrator will conduct any flight tests which appear to him to be necessary in order to check the calibration and correction report.

§ 04.11 *Weight and balance.* There shall be established, as a part of the type inspection, ranges of weight and center of gravity within which the airplane may be safely operated.

§ 04.110 *Use of ballast.* Removable ballast may be used to enable airplanes to comply with the flight requirements in accordance with the following provisions:

§ 04.1100 The place or places for carrying ballast shall be properly designed, installed, and plainly marked as specified in § 04.6120.

§ 04.1101 The airplane operating manual shall include instructions regarding the proper disposition of the removable ballast under all loading conditions for which such ballast is necessary, as specified in § 04.620.

§ 04.112 *Empty weight.* The empty weight and corresponding center of gravity location shall include all fixed ballast, the unusable fuel supply (see § 04.4221), undrainable oil, full engine coolant, and hydraulic fluid. The weight and location of items of equipment installed in the airplane when weighed shall be noted in the operating manual.

§ 04.113 *Maximum weight.* The maximum landing and take-off weights shall not exceed any of the following:

(a) The weights selected by the applicant,

(b) The design weights for which the structure has been proven,

(c) The maximum weights at which compliance with all of the applicable requirements specified is demonstrated.

The maximum take-off weight and the maximum landing weight may be made variable with altitude.

§ 04.114 *Minimum weight.* The minimum weight shall not be less than any of the following:

(a) The minimum weight selected by the applicant,

(b) The minimum design weight for which the structure has been proven,

(c) The minimum weight at which compliance with all the applicable requirements herein specified is demonstrated.

§ 04.115 *Center of gravity position.* The fore and aft extremes of center of gravity position shall not exceed any of the following:

(a) The extremes selected by the applicant,

(b) The extremes for which the structure has been proven,

(c) The extremes at which compliance with all applicable flight requirements is demonstrated.

§ 04.12 *Performance.* The following items of performance shall be determined and the airplane shall comply with the corresponding requirements in the standard atmosphere and still air. The wing flap positions denoted respectively as the take-off, en route, approach, and landing positions shall be selected by the applicant and may be made variable with weight and altitude (see § 04.353).

§ 04.120 *Minimum requirements for certification.* An airplane may be certificated upon having established:

(a) A maximum take-off weight at sea level (see § 04.113),

(b) A maximum landing weight at sea level (see § 04.113),

(c) Compliance with the climb requirement of § 04.1231 (b), Climb,

(d) Take-off data at maximum sea level take-off weight, and landing data at maximum sea level landing weight, in accordance with § 04.122, Take-Off and § 04.124, Landing.

(e) Compliance with the requirements of all other applicable parts of this chapter.

§ 04.121 *Definition of stalling speeds.* (a) V_{s_0} denotes the true indicated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in miles per hour, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust set at a speed not greater than 110% of the stalling speed),

(2) Propellers in position normally used for take-off,

(3) Landing gear extended,

(4) Wing flaps in the landing position,

(5) Cowl flaps closed,

(6) Center of gravity in the most unfavorable position within the allowable landing range,

(7) The weight of the airplane equal to the weight in connection with which V_{s_0} is being used as a factor to determine a required performance.

(b) V_{s_1} denotes the true indicated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in miles per hour, with:

(1) All engines idling, throttles closed (or not more than sufficent power for zero thrust set at a speed not greater than 110% of the stalling speed),

(2) Propellers in position normally used for take-off, the airplane in all other respects (flaps, landing gear, etc.,) in the particular condition existing in the particular test in connection with which V_{s_1} is being used,

(3) The weight of the airplane equal to the weight in connection with which V_{s_1} is being used as a factor to determine a required performance.

These speeds shall be determined by flight tests using the procedure outlined in § 04.134 (a) and (b).

§ 04.122 *Take-off.* The following take-off data shall be determined:

(a) At all weights and altitudes desired by the applicant,

(b) With a constant take-off flap position for a particular weight and altitude,

(c) With the operating engines not exceeding their approved limitations at the particular altitude.

These data, when corrected, shall assume a level take-off surface. All take-off data shall be determined on a smooth, dry, hard surfaced runway and in such a manner that reproduction of such data does not require exceptional skill or alertness on the part of the pilot.

§ 04.1220 *Speeds.* (a) The critical engine failure speed, V_1, is a true indicated airspeed, chosen by the applicant, which shall not be less than the minimum speed at which the controllability is demonstrated during take-off run to be adequate to permit proceeding safely with the take-off, using normal piloting skill, when the critical engine is suddenly made inoperative. If V_1 is equal to or greater than V_2 below, no demonstration during take-off is required.

(b) The minimum take-off climb speed, V_2, is a true indicated airspeed chosen by the applicant which shall permit the rate of climb required in § 04.1231 (a), Climb, but which shall not be less than:

(1) 1.20 V_{s_1} for two-engine airplanes,

(2) 1.15 V_{s_1} for airplanes having more than two engines,

(3) 1.10 times the minimum control speed, V_{mc}, established under § 04.1312, Minimum Control Speed.

§ 04.1221 *Accelerate-stop distance.* The distance required to accelerate the airplane from a standing start to the speed, V_1, and, assuming an engine to fail at this point, to stop.

Means other than wheel brakes may be used in determining this distance providing that exceptional skill is not required to control the airplane, that the manner of their employment is such that consistent results could be expected under normal service, and that they are regarded as reliable.

§ 04.1222 *Take-off path.* (a) The distance required to accelerate the airplane to the speed, V_2, making the critical engine inoperative at the speed, V_1.

(b) The horizontal distance traversed and the height attained by the airplane in the time required to retract the landing gear when operating at the speed, V_2, with:

(1) The critical engine inoperative, its propeller windmilling with the propeller control in a position normally used during take-off,

(2) The landing gear extended.

(c) The horizontal distance traversed and the height attained by the airplane in the time elapsed from the end of element (b) until the rotation of the inoperative propeller has been stopped when:

(1) The operation of stopping the propeller is initiated not earlier than the instant the airplane has attained a total height of 50 feet above the take-off surface,

(2) The airplane speed is equal to V_2,

(3) The landing gear is retracted,

(4) The inoperative propeller is windmilling with the propeller control in a position normally used during take-off.

(d) The horizontal distance traversed and the height attained by the airplane in the time elapsed from the end of element (c) until the limit on the use of take-off power is reached, while operating at the speed, V_2, with:

(1) The inoperative propeller stopped,

(2) The landing gear retracted.

(e) The slope of the flight path followed by the airplane in the configuration of element (d), but drawing not

more than maximum continuous power on the operating engine(s).

§ 04.123 *Climb.* Compliance shall be shown with the following requirements:

§ 04.1230 *All engines operating.* (a) The steady rate of climb at 5,000 feet shall not be less in feet per minute than 8 V_{s_0} with:

(1) Landing gear fully retracted,

(2) Wing flaps in the most favorable position,

(3) Cowl flaps in the position which provides adequate cooling in the hot-day condition,

(4) Center of gravity in the most unfavorable position,

(5) All engines operating at not more than maximum continuous power,

(6) Maximum take-off weight.

The steady rate of climb shall also be determined at any altitude at which the airplane may be expected to operate at any weight within the range of weights to be specified in the airworthiness certificate.

(b) *Flaps in landing position.* The steady rate of climb in feet per minute shall be at least 0.07 $V_{s_0}^2$ at any altitude within the range for which landing weight is to be specified in the certificate, with:

(1) Landing gear extended,

(2) Wing flaps in the landing position (see §§ 04.12 and 04.353),

(3) Cowl flaps in the position normally used in an approach to a landing,

(4) Center of gravity in the most unfavorable position permitted for landing,

(5) All engines operating at the take-off power available at such altitude,

(6) The weight equal to maximum landing weight for that altitude.

§ 04.1231 *One-engine inoperative*—(a) *Flaps in take-off position.* The steady rate of climb in feet per minute shall be at least 0.035 $V_{s_1}^2$ at any altitude within the range for which take-off weight is to be specified in the certificate, with:

(1) The landing gear retracted,

(2) Wing flaps in the take-off position (see §§ 04.12 and 04.353),

(3) Cowl flaps in the position normally used during take-off,

(4) Center of gravity in the most unfavorable position permitted for take-off,

(5) The critical engine inoperative, its propeller windmilling with the propeller control in a position normally used during take-off,

(6) All other engines operating at the take-off power available at such altitude,

(7) The speed equal to the minimum take-off climb speed, V_2, used in § 04.122 *Take-off*,

(8) The weight equal to maximum take-off weight for that altitude.

With the landing gear extended and all other conditions as described in the foregoing, the rate of climb shall be at least 50'/min.

(b) *Flaps in en route position.* The steady rate of climb in feet per minute at any altitude at which the airplane may be expected to operate, at any weight within the range of weights to be specified in the airworthiness certificate, shall be determined and shall, at a standard altitude of 5,000 feet and at the maximum take-off weight be at least 0.02 $V_{s_0}^2$ for airplanes with a maximum take-off weight of 40,000 lbs. or less, 0.04 $V_{s_0}^2$ for airplanes with a maximum take-off weight of 60,000 lbs. or more, with a linear variation between 40,000 lbs. and 60,000 lbs., with:

(1) The landing gear retracted,

(2) Wing flaps in the most favorable position,

(3) Cowl flaps or other means of controlling the engine cooling air supply in the position which provides adequate cooling in the hot-day condition,

(4) Center of gravity in the most unfavorable position,

(5) The critical engine inoperative, its propeller stopped,

(6) All remaining engines operating at the maximum continuous power available at the altitude.

(c) *Flaps in approach position.* The steady rate of climb in feet per minute shall not be less than 0.04 $V_{s_0}^2$ at any altitude within the range for which landing weight is to be specified in the certificate, with:

(1) The landing gear retracted,

(2) Wing flaps set in position such that V_{s_1} does not exceed 1.06 V_{s_0},

(3) Cowl flaps in the position normally used during an approach to a landing,

(4) Center of gravity in the most unfavorable position permitted for landing,

(5) The critical engine inoperative, its propeller stopped,

(6) All remaining engines operating at the take-off power available at such altitude,

(7) The weight equal to the maximum landing weight for that altitude.

§ 04.1232 *Two-engine inoperative.* For airplanes with four or more engines, the steady rate of climb at any altiude at which the airplane may be expected to operate and at any weight within the range of weights to be specified in the operating manual, shall be determined with:

(a) The landing gear retracted,

(b) Wing flaps in the most favorable position,

(c) Cowl flaps or other means of controlling the engine cooling air supply in the position which will provide adequate cooling in the hot-day condition,

(d) Center of gravity in the most unfavorable position,

(e) The two critical engines on one side of the airplane inoperative and their propellers stopped,

(f) All remaining engines operating at the maximum continuous power available at that altitude.

§ 04.124 *Landing.* The horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 mph for seaplanes or float planes) from a point at a height of 50 feet above the landing surface shall be determined for such range of weights and altitudes as the applicant may desire. In making this determination:

(a) Immediately prior to reaching the 50-foot altitude a steady gliding approach shall have been maintained, with a true indicated airspeed of at least 1.3 V_{s_0}.

(b) The nose of the airplane shall not be depressed, nor the forward thrust increased by application of power after reaching the 50-foot altitude. At all times during and immediately prior to the landing, the flaps shall be in the landing position, except that after the airplane is on the landing surface and the true indicated airspeed has been reduced to not more than 0.9 V_{s_0} the flap position may be changed.

(c) The landing shall be made in such manner that there is no excessive vertical acceleration, no tendency to bounce, nose over, ground loop, porpoise or water loop, and in such manner that its reproduction shall not require any exceptional degree of skill on the part of the pilot, or exceptionally favorable conditions.

§ 04.1240 *Landplanes.* The landing distance as defined above shall be determined on a dry hard surfaced runway and:

(a) The operating pressures on the braking system shall not be in excess of those approved by the manufacturer of the brakes.

(b) The brakes shall not be used in such manner as to produce excessive wear of brakes or tires.

(c) Means other than wheel brakes may be used in determining the landing distance providing that exceptional skill is not required to control the airplane, that the manner of their employment is such that consistent results could be expected under normal service, and that they are regarded as reliable.

§ 04.1241 *Seaplanes or float planes.* The landing distance as defined above shall be determined on smooth water.

§ 04.1242 *Skiplanes.* The landing distance as defined above shall be determined on smooth, dry snow.

§ 04.13 *Flight characteristics.* The airplane shall meet the following requirements at all normally expected operating altitudes under all critical loading conditions within the range of center of gravity appropriate thereto and, except as otherwise specified, at the maximum weight for which certification is sought, and there shall be no flight or operating characteristic which makes the airplane unairworthy.

§ 04.131 *Controllability.* The airplane shall be safely controllable and maneuverable during take-off, climb, level flight, dive, and landing, and it shall be possible to make a smooth transition from one flight condition to another, including turns and slips, without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot and without danger of exceeding the limit load factor under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden failure of any engine. The airplane shall be demonstrated to comply with the following:

§ 04.1310 *Longitudinal control.*

§ 04.13100 When a tail wheel landing gear is used it shall be possible during take-off ground run, to maintain any attitude up to thrust line level at 80% V_{s_1} when running on a concrete runway.

§ 04.13101 It shall be possible at all speeds between 1.4 V_{s_1} and V_{s_1} to pitch the nose downward so that the rate of increase in airspeed is satisfactory for prompt acceleration to a speed equal to 1.4 V_{s_1} with:

(a) The airplane trimmed at 1.4 V_{s_1} with landing gear extended,

(b) The wing flaps in a retracted and extended position,

(c) Power off and maximum continuous power on all engines.

§ 04.13102 During each of the controllability demonstrations outlined below, it shall not require a change in the trim control or the exertion of more control force than can be readily applied with one hand for a short period. Each maneuver shall be performed with the landing gear extended.

(a) (1) With power off, flaps retracted, and the airplane trimmed at 1.4 V_{s_1}, the flaps are to be extended as rapidly as possible while maintaining the airspeed at an adequate margin of approximately 40% above the stalling speed.

(2) Repeat (a) (1) except start with flaps extended and the airplane trimmed at 1.4 V_{s_1}, then retract the flaps as rapidly as possible.

(3) Repeat (a) (1) except using maximum continuous power.

(4) Repeat (a) (2) except using maximum continuous power.

(b) (1) With power off, the flaps retracted, and the airplane trimmed at 1.4 V_{s_1}, apply take-off power quickly while maintaining the same airspeed.

(2) Repeat (b) (1) except with the flaps extended.

(c) With power off, flaps extended, and the airplane trimmed at 1.4 V_{s_1}, obtain and maintain airspeeds within the range of 1.1 V_{s_1} to 1.7 V_{s_1} or to the flap placard speed, whichever is greater.

§ 04.13103 It shall be possible without the use of exceptional piloting skill to prevent loss of altitude when flap retraction from any position is initiated during steady horizontal flight at 1.1 V_{s_1} with simultaneous application of not more than maximum continuous power.

§ 04.1311 *Lateral and directional control.*

§ 04.13110 It shall be possible to execute 20° banked turns with or against the inoperative engine from steady climb at a speed equal to 1.4 V_{s_1}, with:

(a) The critical engine inoperative and its propeller in the minimum drag condition,

(b) Maximum continuous power on the operating engines,

(c) Most unfavorable center of gravity,

(d) Landing gear retracted and extended,

(e) Wing flaps in the most favorable climb position,

(f) Maximum take-off weight.

§ 04.13111 In the configuration outlined in § 04.13110 above, it shall be possible, while holding the wings level laterally, to execute sudden changes in heading in either direction without dangerous characteristics being encountered. This shall be demonstrated at a speed equal to 1.4 V_{s_1} at landing weight, approach flaps, one engine inoperative, gear retracted, and power for level flight at 1.4 V_{s_1}, up to heading changes of 15°, except that the heading change at which the rudder pedal force is 180 pounds need not be exceeded.

§ 04.13112 Airplanes with four or more engines installed shall comply with §§ 04.13110 and 04.13111 with the two critical engines inoperative, at an airplane weight at which the rate of climb is equal to at least .01 $V_{s_0}^2$ at an altitude of 5,000 feet with the landing gear retracted and the wing flaps in the most favorable position.

§ 04.1312 *Minimum control speed.* (V_{mc}) The minimum speed after recovery at which the airplane can be maintained in straight flight with zero yaw (or, at the option of the applicant, with a bank not in excess of 5°) after any one engine is suddenly made inoperative during steady flight at that speed, shall be determined and shall not exceed 1.2 V_{s_1} with:

(a) Take-off or maximum available power in all engines,

(b) Rearmost center of gravity,

(c) Flaps in take-off position,

(d) Landing gear retracted.

In demonstrating this minimum speed, the rudder force required to maintain it shall not exceed 180 pounds, nor shall it be necessary to throttle the remaining engines. During recovery the airplane shall not assume any dangerous attitude, nor shall it require exceptional skill, strength, or alertness on the part of the pilot to prevent a change of heading in excess of 20° before recovery is complete.

§ 04.132 *Trim.* The means used for trimming the airplane shall be such that after being trimmed and without further pressure upon or movement of either the primary control or its corresponding trim control by the pilot or the automatic pilot, the airplane will maintain:

(a) Lateral and directional trim under all conditions of operation consistent with the intended use of the airplane including operation at any speed from 1.4 V_{s_1} to at least 90% of high speed and operation in which there is greatest lateral variation in the distribution of the useful load.

(b) Longitudinal trim under the following conditions:

(1) During a climb with maximum continuous power at a speed not in excess of 1.4 V_{s_1} with the landing gear retracted and the wing flaps both retracted and in the take-off position.

(2) During a glide with power off at a speed not in excess of 1.4 V_{s_1}, with the landing gear extended and the wing flaps both retracted and extended under the forward center of gravity position approved for landing with the maximum landing weight and under the most forward center of gravity position approved for landing, regardless of weight.

(3) During level flight at any speed from 1.4 V_{s_1} to 90% of the high speed with the landing gear both retracted and extended and wing flaps retracted.

(c) Longitudinal and directional trim at a speed equal to 1.4 V_{s_1}, during climbing flight with the critical engine inoperative, with:

(1) The other engine(s) at maximum continuous power,

(2) The landing gear retracted,

(3) Wing flaps retracted.

(d) Rectilinear flight at the climb speed, configuration, and power used in establishing the rates of climb in § 04.1232, the most unfavorable center of gravity position, and the weight at which the two-engine inoperative climb is equal to at least .01 $V_{s_1}^2$ at an altitude of 5,000 feet.

§ 04.133 *Stability.* The airplane shall be longitudinally, directionally, and laterally stable in accordance with the following subsections. Suitable stability and control "feel" (static stability) may be required in other conditions normally encountered in service if flight tests show such stability to be necessary for safe operation.

§ 04.1331 *Static longitudinal stability.* In the configurations outlined in § 04.13310 below, and with the airplane trimmed as indicated, the characteristics of the elevator control forces and friction shall be as described below.

(a) A pull shall be required to obtain and maintain speeds below the specified trim speed and a push to obtain and maintain speeds above the specified trim speed. This shall be so at any speed which can be obtained without excessive control force except that such speeds need not be greater than the appropriate maximum permissible speed or less than the minimum speed in steady unstalled flight.

(b) The airspeed shall return to within 10% of the original trim speed when the control force is slowly released from any speed within the limits defined in (a) above.

§ 04.13310 *Specific conditions.* In conditions (a), (b) and (c) below, within the speeds specified, the stable slope of stick force curve versus speed shall be such that any substantial change in speed is clearly perceptible to the pilot through a resulting change in stick force.

(a) *Landing.* The stick force curve shall have a stable slope and the stick force shall not exceed 80 pounds at any speed between 1.1 V_{s_1} and 1.8 V_{s_1} with:

(1) Wing flaps in the landing position,

(2) The landing gear extended,

(3) Maximum sea level landing weight,

(4) Throttles closed on all engines,

(5) The airplane trimmed at 1.4 V_{s_1} with throttles closed.

(b) *Approach.* The stick force curve shall have a stable slope at all speeds between 1.1 V_{s_1} and 1.8 V_{s_1} with:

(1) Wing flaps in sea level approach position,

(2) Landing gear retracted,

(3) Maximum sea level landing weight,

(4) The airplane trimmed at 1.4 V_{s_1} and with power sufficient to maintain level flight at this speed.

(c) *Climb.* The stick force curve shall have a stable slope at all speeds between 1.2 V_{s_1} and 1.6 V_{s_1} with:

(1) Wing flaps retracted,

(2) Landing gear retracted,

(3) Maximum sea level take-off weight,
(4) 75% of maximum continuous power,
(5) The airplane trimmed at 1.4 V_{s_1}.

(d) *Cruising.* (1) Between 1.3 V_{s_1} and the maximum permissible speed, the stick force curve shall have a stable slope at all speeds obtainable with a stick force not in excess of 50 pounds, with:
(i) Landing gear retracted,
(ii) Wing flaps retracted,
(iii) Maximum sea level take-off weight,
(iv) 75% of maximum continuous power,
(v) The airplane trimmed for level flight with 75% of the maximum continuous power.

(2) Same as (1) above except that the landing gear shall be extended and the level flight trim speed need not be exceeded.

§ 04.1332 *Dynamic longitudinal stability.* Any short period oscillation occurring between stalling speed and maximum permissible speed shall be heavily damped with the primary controls in (1) free, and (2) in a fixed position.

§ 04.1333 *Directional and lateral stability.* (a) The static directional stability, as shown by the tendency to recover from a skid with rudder free, shall be positive with all landing gear and flap positions and symmetrical power conditions, at all speeds from 1.2 V_{s_1} up to the maximum permissible speed.

(b) The static lateral stability, as shown by the tendency to raise the low wing in a sideslip, shall be positive within the same limits.

(c) In straight steady sideslips (unaccelerated forward slips), the aileron and rudder control movements and forces shall be substantially proportional to the angle of sideslip and the factor of proportionality shall lie between satisfactory limits up to sideslip angles considered appropriate to the operation of the type. At greater angles up to that at which the full rudder control is employed or a rudder pedal force of 180 pounds is obtained, the rudder pedal forces shall not reverse, and increased rudder deflection shall produce increased angles of sideslip.

Sufficient bank shall accompany sideslipping to indicate adequately any departure from steady unyawed flight unless a yaw indicator is provided.

(d) Any short period oscillation occurring between stalling speed and maximum permissible speed shall be heavily damped with the primary controls in (1) free, and (2) in a fixed position.

§ 04.134 *Stalling.* Stalls shall be demonstrated under two conditions:
(a) With power off,
(b) With that power necessary to maintain level flight at a speed of 1.6 V_{s_1} with flaps in approach position, landing gear retracted, maximum landing weight.

In either condition it shall be possible, with flaps and landing gear in any position, center of gravity in the most unfavorable position for recovery and with appropriate airplane weights and the airplane in straight flight and in turns up to 30° bank, to produce and to correct roll and yaw by unreversed use of the aileron and rudder controls in the maneuver described below up to the time when the airplane pitches. In straight flight stalls the average amount of roll occurring between the initiation of the pitching movement and the completion of the recovery shall not exceed 20°. The roll following the stall during turning flight must not be so violent or extreme as to make it difficult, with normal piloting skill, to make a prompt recovery and regain control of the airplane.

Clear and distinctive stall warning shall be apparent to the pilot at a speed at least 5% above the stalling speed, with flaps and landing gear in any position, both in straight and turning flight. The warning may be furnished either through the inherent aerodynamic qualities of the airplane, by a suitable instrument, or in any equivalent fashion which will give clearly distinguishable indications under all conditions of flight that are to be expected in airline operations.

In demonstrating these qualities, the order of events shall be:

(a) With trim controls adjusted for straight flight at a speed of 1.4 V_{s_1} reduce speed by means of the elevator control until the speed is steady at slightly above stalling speed; then,

(b) Pull elevator control back at a rate such that the airplane speed reduction does not exceed one mile per hour per second until a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery may be made after such pitching motion is unmistakably developed.

§ 04.1340 *Stall test; one-engine inoperative.* The airplane shall be safely recoverable without applying power to the inoperative engine when stalled with:
(a) The critical engine inoperative,
(b) Flaps and landing gear retracted,
(c) The remaining engines operating at up to 75% of maximum continuous power, except that the power need not be greater than that at which the use of maximum control travel does not hold the wings laterally level. The operating engines may be throttled back during the recovery from the stall.

§ 04.14 *Ground and water characteristics.* All airplanes shall comply with the following requirements.

§ 04.141 *Longitudinal stability and control.* There shall be no uncontrollable tendency for landplanes to nose over in any operating condition reasonably expected for the type or when rebound occurs during landing or take-off. Wheel brakes shall operate smoothly and shall exhibit no undue tendency to induce nosing over.

Seaplanes shall exhibit no uncontrollable porpoising at any speed at which the airplane is normally operated on the water.

§ 04.142 *Directional stability and control.* (a) There shall be no uncontrollable or dangerous looping tendency in 90° cross winds up to 0.2 V_{s_0} at any necessary speed upon the ground or water.

(b) All landplanes shall be demonstrated to be satisfactorily controllable with no exceptional degree of skill or alertness on the part of the pilot in power-off landings, at normal landing speed, during which brakes or engine power are not used to maintain a straight path.

(c) Means shall be provided for adequate directional control during taxiing.

§ 04.143 *Shock absorption.* The shock absorbing mechanism shall not produce damage to the structure when the airplane is taxied on the roughest ground which it is reasonable to expect the airplane to encounter in normal operation.

§ 04.144 *Spray characteristics.* For seaplanes, spray during taxiing, take-off, or landing shall at no time dangerously obscure the vision of the pilots nor produce damage to the propeller or other parts of the airplane.

§ 04.145 *Critical cross wind.* There shall be established a critical cross component of wind velocity at which it has been demonstrated to be safe to take-off or land.

§ 04.15 *Flutter and vibration.* All parts of the airplane shall be demonstrated to be free from flutter and excessive vibration under all speed and power conditions appropriate to the operation of the airplane up to at least the minimum value permitted for V_d in § 04.2110. There shall also be no buffeting condition in any normal flight condition severe enough to interfere with the satisfactory control of the airplane, or to cause excessive fatigue to the crew or structural damage. However, buffeting as stall warning is considered desirable, and discouragement of this type of buffeting is not intended.

§ 04.2 *Strength requirements.*

§ 04.20 *General.*

§04.200 *Loads.* Strength requirements are specified in terms of limit and ultimate loads. Limit loads are the maximum loads anticipated in service. Ultimate loads are equal to the limit loads multiplied by the factor of safety. When not otherwise described, loads specified are limit loads. Unless otherwise provided, the specified air, ground, and water loads shall be placed in equilibrium with inertia forces, considering all items of mass in the airplane. All such loads shall be distributed in a manner closely approximating or conservatively representing actual conditions. If deflections under load would significantly change the distribution of external or internal loads, such redistribution shall be taken into account.

§ 04.201 *Factor of safety.* The factor of safety shall be 1.5 unless otherwise specified.

§ 04.202 *Strength and deformations.* The structure shall be capable of supporting limit loads without suffering detrimental permanent deformations. At all loads up to limit loads the deformation shall be such as not to interfere with safe operation of the airplane. The structure shall be capable of supporting ultimate loads without failure for at least 3 seconds.

§ 04.203 *Proof of structure.* Proof of compliance of the structure with the strength and deformation requirements of § 04.202 shall be made for all critical loading conditions. Proof of compliance by means of structural analysis will be accepted only when the structure conforms with types for which experience has shown such methods to be reliable. In all other cases substantiating tests are required. In all cases certain portions of the structure must be tested as specified in § 04.3.

§ 04.21 *Flight loads.*

§ 04.210 *General.* Flight load requirements shall be complied with at critical altitudes within the range for which certification is desired, and at all weights between the minimum design weight and design take-off weight with any practicable distribution of disposable load within prescribed operating limitations stated in the airplane operating manual. (See § 04.6.)

§ 04.2101 *Definition of flight load factor.* The flight load factors specified represent the acceleration (in terms of the gravitational constant) normal to the assumed longitudinal axis of the airplane equal in magnitude and opposite in direction to the airplane inertia load factor at the center of gravity.

§ 04.211 *Symmetrical flight conditions (flaps retracted).* The strength requirements shall be met at all combinations of airspeed and load factor on and within the boundaries of the V–n diagrams of Figures 04–1 and 04–2 which represent the envelopes of the flight loading conditions specified by the maneuvering and gust criteria of § 04.2111, § 04.2112, and § 04.212. These diagrams will also be used in determining the airplane structural operating limitations as specified in § 04.6.

§ 04.2110 *Design airspeeds.* The design airspeeds shall be chosen by the designer except that they shall not be less than the following values:

V_f (design flap speed) = 1.4 V_{s1} or 1.8 V_{s0} whichever is greater, where

V_{s1} = stalling speed, flaps retracted at design landing weight

V_{s0} = stalling speed, flaps in landing position, design landing weight

(See § 04.212 for provision concerning automatic flap operation.)

V_p (design maneuvering speed) = $V_{s1}\sqrt{n}$ where n = limit maneuvering load factor used in design (see § 04.2111)

V_{s1} = stalling speed with flaps retracted at design take-off weight

V_b (design speed for 40 ft. per sec. gust) the speed at which the effective 40 ft. per sec. gust line intersects the positive $C_{N_{max}}$ curve on the gust V–n envelope (see § 04.2112 and Figure 04–2).

V_c (design cruising speed) V_c shall not be less than V_b plus 50 except that it need not exceed the speeds at altitude corresponding to a Mach number of 0.52 or the high speed of the airplane in level flight at maximum continuous power for the corresponding altitude. However, in no case shall V_c be less than 1.3 V_{s1} with flaps retracted at design take-off weight.

V_d (design dive speed) V_d shall be 1.25 times the value selected for V_c or the selected V_c plus 70 mph, whichever is greater; however V_d need not exceed the speed corresponding to a Mach number of 0.65. In any event, V_d need not exceed the terminal velocity in a dive at 30° to the horizontal. At all speeds in excess of those corresponding to a Mach number of 0.65 compressibility effects shall be taken into account.

§ 04.2111 *Maneuvering envelope.* The airplane shall be assumed to be subjected to symmetrical maneuvers resulting in the following limit load factors except where limited by maximum (static) lift coefficients:

(a) The positive maneuvering load factor, n, at all speeds up to V_d. The value of n shall be selected by the designer except that it shall not be less than 2.5.

(b) The negative maneuvering load factor shall have a minimum value of −1.0 at all speeds up to V_c; and factors varying linearly with speed from the specified value at V_c to 0.0 at V_d.

Lower values of maneuvering load factor may be employed only if it be proven that the airplane embodies features of design which make it impossible to exceed such values in flight.

§ 04.2112 *Gust envelope.* The airplane shall be assumed to encounter symmetrical vertical gusts as specified below while in level flight. The resulting loads shall be considered limit loads.

(a) Positive (up) and negative (down) gusts of 40 fps nominal intensity at the speed, V_b, where the 40 fps gust line intersects the positive C_{nmax} curve. If this gust intensity produces load factors greater than those obtained in condition (b) following, it may be modified at altitudes above 20,000 ft. in such a manner as to produce a load factor not less than that obtained in condition (b).

(b) Positive and negative gusts of 30 fps at V_c.

(c) Positive and negative 15 fps gusts at V_d. Gust load factors shall be assumed to vary linearly between the specified conditions as shown on the gust envelope of Figure 04–2.

§ 04.21120 *Gust load factors.* In applying the gust requirements, the gust load factors shall be computed by the following formula:

$$n = 1 + \frac{K\ U\ V\ a}{575\ (W/S)}$$

Where: $K = \frac{1}{2}\left(\frac{W}{S}\right)^{1/4}$ (for W/S < 16 psf)

$= 1.33 - \frac{2.67}{(W/S)^{1/4}}$ (for W/S > 16 psf)

U = nominal gust velocity, ft. per second.

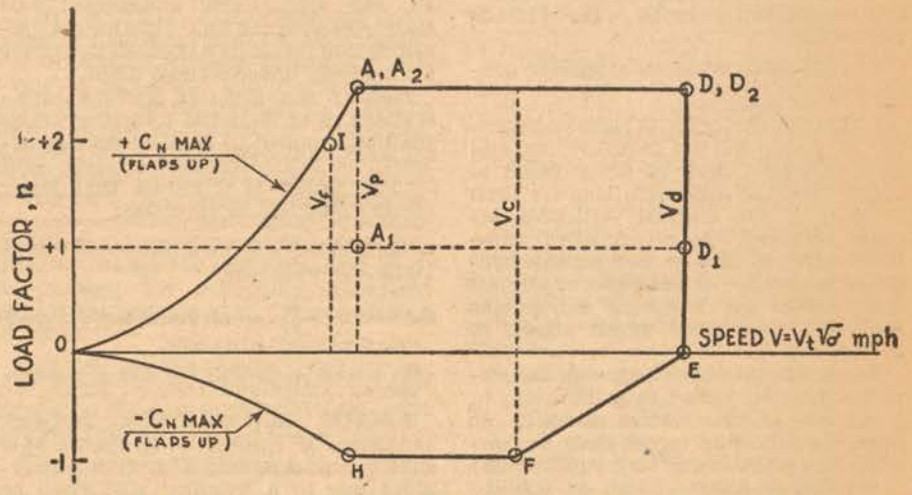


FIGURE 04–1. MANEUVERING ENVELOPE (SEE 04.2111). LOAD FACTOR VS. VELOCITY (V–N) DIAGRAM.

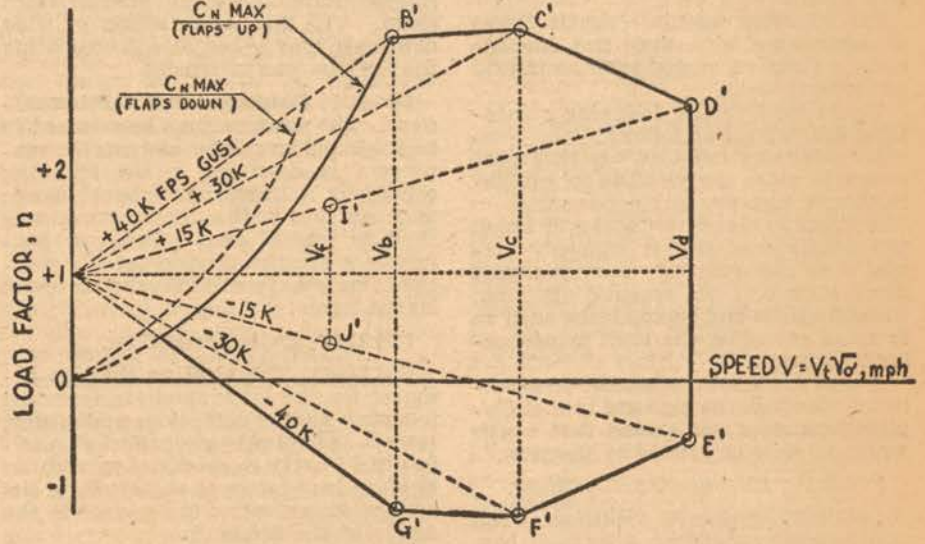


FIGURE 04–2. GUST ENVELOPE (SEE 04.2112). LOAD FACTOR VS. VELOCITY (V–N) DIAGRAM.

(Note that the "effective sharp edged" gust equals K U)

V = airplane speed, miles per hour

a = slope of airplane normal force coefficient curve, C_{na} per radian, corrected for aspect ratio

W/S = wing loading, pounds per square foot

§ 04.212 *High lift devices extended conditions.* When flaps or similar high lift devices intended for use at the relatively low air speeds of approach, landing, and take-off are installed, the air-

plane shall be assumed to be subjected to symmetrical maneuvers and gusts with the flaps in landing position at the design flap speed, V_f, resulting in limit load factors within the range determined by the following conditions:

(a) Maneuvering to a positive limit load factor of 2.0.

(b) Positive and negative 15 fps nominal intensity gusts acting normal to the flight path in level flight. The gust load factors shall be computed by the formula of § 04.21120. In designing the flaps and supporting structures, slipstream effects must be taken into account as specified in § 04.225. When automatic flap operation is provided, the airplane may be designed for the speeds and corresponding flap positions which the mechanism permits. (See §§ 04.00 and 04.353.)

§ 04.213 *Investigation of specific conditions.*

§ 04.2130 *General.* A sufficient number of points on the maneuvering and gust envelopes shall be investigated to insure that the maximum load for each member of the airplane structure has been obtained. A conservative combined envelope may be used for this purpose if desired. At least the conditions specified in the following subsections shall be investigated unless shown to be non-critical.

All significant forces acting on the airplane shall be placed in equilibrium in a rational or conservative manner. At least the following forces shall be considered in establishing such equilibrium:

(a) Linear inertia forces in equilibrium with wing and horizontal tail surface loads.

(b) Pitching (angular) inertia forces in equilibrium with wing and fuselage aerodynamic moments and horizontal tail surface loads.

Terms used in the following subsections are defined as follows:

A "balancing tail load" is that necessary to place the airplane in equilibrium with zero pitching acceleration.

A "checked maneuver" is one in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction, the deflections and timing being such as to avoid exceeding the limit maneuvering load factor.

Where sudden displacement of a control is specified, the assumed rate of displacement need not exceed that which would actually be applied by the pilot.

§ 04.2131 *Maneuvering conditions.*

§ 04.21310 *Balanced conditions.* The maneuvering conditions A through I on the maneuvering envelope (figure 04–1) shall be investigated assuming the airplane in equilibrium with zero pitching acceleration.

§ 04.21311 *Pitching conditions.* The following conditions on Figure 04–1 involving pitching acceleration shall be investigated.

(a) *A_1, Unchecked pull-up at speed, V_D.* The airplane shall be assumed to be flying in steady level flight and the pitching control suddenly moved to obtain extreme positive pitching, except as limited by pilot effort, § 04.221.

(b) *A_2, Checked maneuver at speed, V_D.* The airplane shall be assumed to be maneuvered to the limit positive maneuvering load factor by a checked maneuver from an initial condition of steady unaccelerated flight. The initial positive pitching portion of this maneuver may be considered covered by condition (a) above.

A negative pitching acceleration of at least the following value shall be assumed to be attained concurrently with the airplane limit maneuvering load factor, unless it is shown that a lesser value could not be exceeded:

$$\frac{-30}{V_D}n\ (n-1.5)\ \text{(radians/sec.}^2\text{)}$$

(c) *D_1 and D_2, Checked maneuver at V_d.* The airplane shall be assumed to be maneuvered to the limit positive maneuvering load factor by a checked maneuver from steady unaccelerated flight.

Positive and negative pitching accelerations of at least the following values shall be assumed to be attained concurrently with the specified airplane load factors, unless it is shown that lesser values could not be exceeded:

Condition D_1: $+\frac{45}{V_d}n\ (n-1.5)$ (radians/sec^2) with the airplane at unity load factor.

Condition D_2: $-\frac{30}{V_d}n\ (n-1.5)$ (radians/sec^2) with the airplane at maneuvering load factor.

where n=limit maneuvering load factor in both equations.

§ 04.2132 *Gust conditions.* The gust conditions B^1 through J^1 on Figure 04–2 shall be investigated. The airload increment due to a specified gust shall be added to the initial balancing tail load corresponding to steady unaccelerated flight. The alleviating effects of wing downwash may be included in computing the tail gust load increment.

§ 04.214 *Unsymmetrical flight conditions.* The airplane shall be assumed to be subjected to rolling and yawing maneuvers as described in the following conditions. Unbalanced aerodynamic moments about the center of gravity shall be reacted in a rational or conservative manner considering the principal masses furnishing the reacting inertia forces.

§ 04.2140 *Rolling conditions.*

§ 04.21400 The airplane shall be designed for the loads resulting from the following aileron deflections and speeds, (except as limited by pilot effort as specified in § 04.221) in combination with an airplane load factor of at least ⅔ of the positive maneuvering factor used in the design of the airplane.

(a) At speed, V_D, assume a sudden displacement of the aileron to the stop. A simplified condition of zero rolling velocity or the actual resulting dynamtic condition may be used for design.

(b) When V_c is greater than V_D, the aileron deflection at V_c shall be that required to produce a rate of roll not less than that which would be obtained at the speed and aileron deflection specified in condition (a).

(c) At speed, V_d, the aileron deflection shall be that required to produce a rate of roll not less than ⅓ of that which would be obtained at the speed and aileron deflection specified in condition (a).

§ 04.21401 To cover unsymmetrical gusts, the airplane shall be designed for loads obtained by modifying the symmetrical flight condition A shown on Figure 04–1 by assuming 100% of the wing airload acting on one side of the airplane and 90% on the other.

§ 04.2141 *Yawing conditions.* The airplane shall be designed for the yawing loads resulting from the following conditions:

§ 04.21410 *Maneuvering loads.* At all speeds from V_a to V_c, the following vertical tail loads shall be considered:

(a) With the airplane in unaccelerated flight at zero yaw, assume a sudden displacement of the rudder control to the maximum deflection as limited by the control stops or a 300 lb. rudder pedal force, whichever is critical.

In the following conditions it shall be assumed that the airplane yaws to a sideslip angle resulting from the application of the above rudder angle.

(b) Assume that the airplane yaws to the above sideslip angles while the rudder control is maintained at full deflection (except as limited by pilot effort) in the direction tending to increase the sideslip.

(c) Assume that the airplane yaws to the above sideslip angles with the rudder control in the neutral position, except as limited by the pilot effort.

Yawing velocity may be assumed zero in above conditions.

§ 04.21411 *Lateral gusts.* The airplane shall be assumed to encounter gusts of 30 fps nominal intensity, normal to the plane of symmetry while in unaccelerated flight at speed, V_c.

The gust loading on the vertical tail surfaces shall be computed by the following formula:

$$W=\frac{KUV_ca}{575}$$

Where:

W=average limit unit pressure in pounds per square foot.

$$K=1.33-\frac{4.5}{\left(\frac{W}{S_v}\right)^{1/4}};$$

except that K shall not be less than 1.0. A value of K obtained by rational determination may be used.

U=nominal gust intensity in feet per second.

V_c=design cruising speed in miles per hour.

a=slope of lift curve of vertical surface in radians corrected for aspect ratio.

S_v=vertical surface area sq. ft.

W=design take-off weight, pounds.

§ 04.215 *Supplementary flight conditions.*

§ 04.2150 *Engine torque effects.* Engine mounts and their supporting structures shall be designed for engine torque effects combined with certain basic flight conditions as described in (a) and (b) below. Engine torque may be neglected in the other flight conditions.

(a) The limit torque corresponding to take-off power and propeller speed acting simultaneously with 75% of the limit loads from flight condition A (see Figure 04–1).

(b) The limit torque corresponding to maximum continuous power and propeller speed, acting simultaneously with the limit loads from flight condition A (see Figure 04–1).

The limit torque shall be obtained by multiplying the mean torque by a factor of 1.33 in the case of engines having 5 or more cylinders. For 4, 3, and 2 cylinder engines, the factors shall be 2, 3, and 4 respectively.

§ 04.2151 *Side load on engine mount.* The limit load factor in a lateral direction for this condition shall be at least equal to the maximum obtained in the unsymmetrical flight (yawing) conditions but shall not be less than either ⅓ the limit load factor for flight condition A (see Figure 04–1) or 1.33. Engine mounts and their supporting structure shall be designed for this condition which may be assumed independent of other flight conditions.

§ 04.2152 *Pressure cabin loads.* (See § 04.38260.)

§ 04.22 *Control surface loads.*

§ 04.220 *General.* The control surfaces shall be designed for the limit loads resulting from the symmetrical and unsymmetrical flight condition as described in §§ 04.213 and 04.214 with the following provisions.

§ 04.221 *Pilot effort.* In the control surface flight loading conditions, the airloads on the movable surfaces and the corresponding deflections need not exceed those which could be obtained in flight by employing the maximum pilot control forces specified in Figure 04–3, except that two-thirds of the maximum values specified for the aileron and elevator may be used when reliable control surface hinge moment data are available. In applying this criterion, proper consideration shall be given to the effects of servo mechanisms, tabs, and automatic pilot systems in assisting the pilot.

§ 04.222 *Trim tab effects.* The effects of trim tabs on the control surface design conditions need be taken into account only in cases where the surface loads are limited on the basis of maximum pilot effort in accordance with the provision of § 04.221. In such cases the tabs shall be considered to be deflected in the direction which would assist the pilot and the deflections shall be those specified in § 04.226.

§ 04.223 *Unsymmetrical loads.* The maximum horizontal tail surface loading (that is, load per unit area) as determined by the preceding subsections shall be applied to the horizontal surfaces on one side of the plane of symmetry and 80% of that loading shall be applied to the opposite side.

§ 04.224 *Outboard fins.* When outboard fins are carried on the horizontal tail surface, the tail surfaces shall be designed for the maximum horizontal surface load in combination with the corresponding loads induced on the vertical surfaces by end plate effects. Such induced effects need not be combined with other vertical surface loads. When outboard fins extend above and below the horizontal surface, the maximum vertical surface loading (load per unit area) as determined by § 04.220 shall be applied to the portion of the vertical surfaces above (or below) the horizontal surface, and 80% below (or above) the horizontal surface.

§ 04.225 *Wing flaps.* Wing flaps, their operating mechanism and supporting structure shall be designed for critical loads occurring in the High lift devices extended conditions (§ 04.212) with the flaps extended to any position from fully retracted to landing position. The effects of propeller slipstream corresponding to take-off power shall be taken into account at an airplane speed of not less than 1.4 V_{s_1} where V_{s_1} is the stalling speed with flaps retracted at the appropriate weight, that is, landing weight for landing, and approach settings, and take-off for take-off setting. (For automatic flaps, see § 04.212).

§ 04.226 *Tabs.* At all speeds up to V_d, elevator trim tabs shall be designed for the deflections required to trim the airplane at any point within the positive portion of the V–n diagram, (Figure 04–1) except as limited by the stops. Aileron and rudder trim tabs shall be designed for deflections required to trim the airplane in appropriate unsymmetrical lateral loading and rigging, and symmetrical and unsymmetrical power conditions. Balancing and servo tabs shall be designed for deflections consistent with the primary control surface loading conditions.

§ 04.227 *Special devices.* The loading for special devices employing aerodynamic surfaces, such as slots and spoilers, shall be based on test data.

§ 04.23 *Control system loads.*

§ 04.230 *Primary flight controls and systems.* Flight control systems and supporting structures shall be designed for loads corresponding to 125% of the computed hinge moments of the movable control surface in the conditions prescribed in § 04.22, subject to the following maxima and minima:

(a) The system limit loads, except the loads resulting from ground gusts, § 04.231, need not exceed those which can be produced by the pilot or pilots and automatic devices operating the controls.

(b) The loads shall in any case be sufficient to provide a rugged system for service use, including considerations of jamming, ground gusts, taxiing tail to wind, control inertia, and friction.

Acceptable maximum and minimum pilot loads for elevator, aileron, and rudder controls are shown in Figure 04–3. These pilot loads shall be assumed to act at the appropriate control grips or pads in a manner simulating flight conditions and to be reacted at the attachment of the control system to the control surface horn.

§ 04.2300 *Dual controls.* When dual controls are provided, the system shall be designed for the pilots operating in opposition, using individual pilot loads equal to 75% of those obtained in accordance with § 04.230, except that the individual pilot loads shall not be less than the minimum loads specified in Figure 04–3.

In addition the control system (but not the control surfaces) shall be designed for the pilots acting in conjunction, using individual pilot loads equal to 75% of those obtained in accordance with § 04.230.

§ 04.231 *Ground gust conditions.* The following ground gust conditions, intended to simulate the loadings on control surfaces due to ground gusts and taxiing tail to wind, shall be investigated. The limit hinge moment, H, shall be obtained from the following formula:

$H = K\,c\,S\,q$, where

H = limit hinge moment (ft./lb.)
c = Mean chord (aft) of the control surface aft of the hinge line
S = area of control surface (sq. ft.) aft of the hinge line
q = dynamic pressure (*psf*) to be based on a design speed not less than $10\sqrt{W/S}+10$, mph, except that the design speed need not exceed 60 mph
K = Factor as specified below:

Surface	K	Remarks
Aileron	+0.75	Control column locked or lashed in mid-position.
	±0.50	Ailerons at full throw + moment on one aileron − moment on other.
Elevator	±0.75	Elevator (a) full up, and (b) full down.
Rudder	±0.75	Rudder (a) in neutral and (b) at full throw.

As used above in connection with ailerons and elevators, a positive value of K indicates a moment tending to depress the surface while a negative value of K indicates a moment tending to raise the surface.

FIGURE 04–3. PILOT CONTROL FORCE LIMITS.

LIMIT PILOT LOADS

Control	Maximum load	Minimum load
Aileron:		
Stick	100 lbs.	40 lbs.
Wheel [1]	80 D in./lbs. [2]	40 D in./lbs.
Elevator:		
Stick	250 lbs.	100 lbs.
Wheel	300 lbs.	100 lbs.
Rudder	300 lbs.	130 lbs.

[1] The critical portions of the aileron control system shall also be designed for a single tangential force having a limit value equal to 1.25 times the couple force determined from the above criteria.
[2] D = wheel diameter.

§ 04.232 *Secondary controls and systems.* Secondary controls, such as wheel brakes, spoilers, and tab controls shall be designed for the loads based on the maximum which a pilot is likely to apply to the control in question. The values of Figure 04–4 may be used.

FIGURE 04–4. PILOT CONTROL FORCE LIMITS.

SECONDARY CONTROLS

Control	Limit pilot loads
Miscellaneous: [1] Crank wheel or lever.	$\frac{1+R}{3}$ x 50 lb., but not less than 50 lb. nor more than 150 lb. (R = radius).
	Applicable to any angle within 20° of plane of control.
Twist	133 in./lbs.
Push-pull	No requirement—leave to discretion of designer.

[1] Limited to flap, tab, stabilizer, spoiler, and landing gear operating controls.

§ 04.24 *Ground loads.* The limit loads specified in the following paragraphs shall be considered as the minimum acceptable structural requirements for landing and ground handling conditions. These limit loads shall be con-

sidered as external forces applied to the airplane structure and shall be placed in equilibrium by linear and angular inertia forces in a rational or conservative manner.

§ 04.240 *Design weights.* The critical center of gravity position within the limits for which certification is desired shall be selected such that the maximum design loads in each of the landing gear elements are obtained for both the design landing weight and the design take-off weight, as defined in § 04.071.

§ 04.241 *Load factor for landing conditions.* In the following landing conditions the limit vertical inertia load factor at the center of gravity of the airplane shall be chosen by the designer, but shall not be less than the value which would be obtained when landing the airplane with a descent velocity as follows:

(a) Landing at the design landing weight with a limit descent velocity of 10 fps,

(b) Landing at the design take-off weight with a limit descent velocity of 6 fps.

Wing lift not exceeding ⅔ of the airplane weight may be assumed to exist throughout the landing impact and may, if desired, be assumed to act through the airplane c. g. The ground reaction load factor is then equal to the inertia load factor minus the ratio of the assumed wing lift to the airplane weight. (See § 04.3610 for requirements concerning the energy absorption tests which determine the minimum limit inertia load factors corresponding to the required limit descent velocities).

The above requirements are predicated on conventional arrangements of main and nose gears, or main and tail gears, and normal operating techniques. These velocities may be appropriately modified if it can be shown that the airplane embodies features of design which make it impossible to develop these velocities, in which case lower values may be used subject to the approval of the Administrator.

§ 04.242 *Landing cases and attitudes.* The airplane shall be assumed to contact the ground with the specified vertical velocities in the following attitudes:

§ 04.2420 *Level landing.* In the level attitude, the airplane shall be assumed to contact the ground with the rates of descent specified in § 04.241 at a forward velocity component parallel to the ground equal to 1.2 V_{s1}. The following two combinations of vertical and drag components shall be considered acting at the axle centerline:

(a) *Condition of maximum wheel spin-up load.* Drag components simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed shall be combined with the vertical ground reactions existing at the instant of peak drag loads. This condition may be considered to apply only to the landing gear and the directly affected attaching structure.

(b) *Condition of maximum wheel vertical load.* An aft acting drag component not less than 25% of the maximum vertical ground reaction shall be combined with the maximum ground reaction of § 04.241.

§ 04.24201 *Tail wheel type.* The airplane horizontal reference line shall be assumed horizontal. Two conditions shall be investigated: (See Figure 04–5).

(a) Condition of maximum wheel spin-up load.

(b) Condition of maximum wheel vertical load.

§ 04.24202 *Nose wheel type.* Two airplane attitudes shall be considered. (See Figure 04–6).

(a) Main wheels contacting the ground with the nose wheel just clear of the ground. Two conditions shall be investigated:

(1) Condition of maximum wheel spin-up load.

(2) Condition of maximum wheel vertical load.

(b) Nose and main wheels contacting the ground simultaneously. (Unless such an attitude cannot reasonably be attained at the specified descent and forward velocities.) Two conditions shall be investigated:

(1) Condition of maximum wheel spin-up load. The nose and main gear may be investigated separately for this condition neglecting pitching moments due to wheel spin-up loads.

(2) Condition of maximum wheel vertical load. The pitching moment shall be assumed to be resisted by the nose gear.

§ 04.2421 *Tail down landing.* The following conditions shall be investigated for the limit vertical landing gear load factor obtained in § 04.241 with the vertical ground reactions applied to the landing gear axles.

(a) *Tail wheel type.* The main and tail wheels shall be assumed contacting the ground simultaneously. (See Figure 04–7). The ground reaction on the tail wheel, as determined from the above, shall be assumed to act in the following directions: (a) vertical, (b) up and aft through the axle at 45° to the ground line.

(b) *Nose wheel type.* The airplane shall be at the stalling attitude or the maximum angle permitting clearance of the ground by all parts of the airplane, whichever is the lesser. (See Figure 04–8.)

§ 04.2422 *One wheel landing.* The main landing gear on one side of the airplane centerline shall contact the ground in the level attitude. (See Figure 04–9.) The ground reaction on this side may be taken the same as those obtained in § 04.2420. The unbalanced external loads shall be rationally or conservatively reacted by inertia of the airplane.

§ 04.2423 *Lateral drift landing.* The airplane shall be in the level attitude with only the main wheels contacting the ground. (See Figure 04–10.) Side loads of 0.8 of the vertical reaction (on one side) acting inward and 0.6 of the vertical reaction (on the other side) acting outward shall be combined with ½ of the maximum vertical ground reactions obtained in the level landing conditions. (§ 04.2420.) These loads are applied at the ground contact point and may be assumed resisted by the inertia of the airplane. Drag loads may be assumed zero.

§ 04.243 *Taxi and ground handling cases.* The landing gear and airplane structure shall be investigated for the following conditions in which the airplane shall be at the design take-off weight. No wing lift shall be considered.

§ 04.2430 *Take-off run.* The landing gear and airplane structure shall be designed for loads not less than those resulting from the condition specified in § 04.143.

§ 04.2431 *Braked roll*—(a) *Tail wheel type:* The airplane shall be assumed in the level attitude with all load on the main wheels. The limit vertical load factor shall be 1.2. A drag reaction equal to the vertical reaction multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point in combination with the vertical ground reaction. (See Figure 04–11.)

(b) *Nose wheel type:* The limit vertical load factor shall be 1.2. A drag reaction equal to 0.8 of the vertical reaction shall be combined with the vertical reaction and applied at the ground contact point of each wheel having brakes. Two airplane attitudes shall be considered. (See Figure 04–13.)

(1) The airplane in the level attitude with all wheels contacting the ground assuming zero pitching acceleration and the loads distributed between the main and nose gear by the principles of statics.

(2) The airplane in the level attitude with only the main gear contacting the ground and the pitching moment resisted by angular acceleration.

§ 04.2432 *Ground maneuvering.*

§ 04.24320 *Turning.* The airplane in the static position shall be assumed to execute a steady turn by nose gear steering or differential power such that the limit load factors applied at the center of gravity are 1.0 vertically and 0.5 laterally. The side ground reaction at each wheel shall be 0.5 of the vertical reaction. (See Figures 04–12 and 04–14.)

§ 04.24321 *Pivoting.* The airplane shall be assumed to pivot about one main gear, the brakes on that gear being locked. The limit vertical load factor shall be 1.0 and the coefficient of friction 0.8. The airplane shall be assumed to be in static equilibrium, the loads being applied at the ground contact points. (See Figure 04–15).

§ 04.24322 *Nose wheel yawing.* (a) A vertical load factor of 1.0 at the airplane c. g. and a side component at the nose wheel ground contact equal to 0.8 of the vertical ground reaction at that point shall be assumed.

(b) The airplane shall be placed in static equilibrium with the loads resulting from the application of the brakes on one main gear. The vertical load factor at the c. g. shall be 1.0. The forward acting load at the airplane c. g. shall be 0.8 V_m where V_m is the vertical load on

one main gear. The side and vertical loads at the ground contact point on the nose gear are those required for static equilibrium. The side load factor at the airplane c. g. shall be assumed zero.

§ 04.24323 *Tail wheel yawing.* A vertical ground reaction equal to the static load on the tail wheel, in combination with a side component of equal magnitude shall be assumed. When a swivel is provided, the tail wheel shall be assumed swiveled 90° to the airplane longitudinal axis with the resultant load passing through the axle. When a lock, steering device, or shimmy damper is provided, the tail wheel shall also be assumed in the trailing position with the side load acting at the ground contact point.

§ 04.244 *Unsymmetrical loads on dual wheel units.* In dual wheel units, 60% of the total ground reaction for the unit shall be applied to one wheel and 40% to the other. To provide for the case of one tire flat, either wheel shall be capable of withstanding 60% of the load which would be assigned to the unit in the specified conditions, except that the vertical ground reaction shall not be less than full static value.

§ 04.25 *Water loads.* The following requirements shall apply to the entire airplane, but have particular reference to hull structure, wing, nacelles, and float supporting structure.

§ 04.250 *Design weight.* The design weight used in the water landing conditions shall be not less than the design landing weight, except that local bottom pressure conditions shall be investigated at the design take-off weight.

§ 04.251 *Boat seaplanes.*

§ 04.2510 *Local bottom pressures*—(a) *Maximum local pressure.* The maximum value of the limit local pressure shall be determined from the following equation:

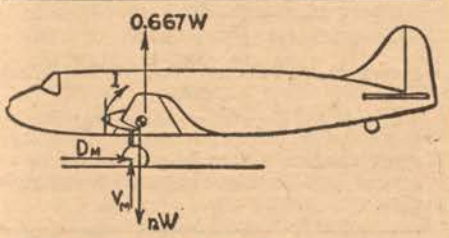
$$p_{max} = 0.04\ V_s^{1.5}$$

Where:

p = pressure, pounds per square inch

V_s = stalling speed with flaps fully retracted at design take-off weight

(b) *Variation in local pressure.* The local pressures to be applied to the hull bottom shall vary in accordance with



Two conditions are used:

(1) $D_m = \mu V_m$ where V_m is vertical wheel reaction at instant wheels are up to speed and μ is coefficient of friction. μ may be assumed equal to 0.8. 12W = value necessary for balance.

(2) $D_m = 0.25\ V_m$ where ηW is determined by energy absorption requirements for landing.

FIGURE 04–5. LEVEL LANDING—TAIL WHEEL TYPE.

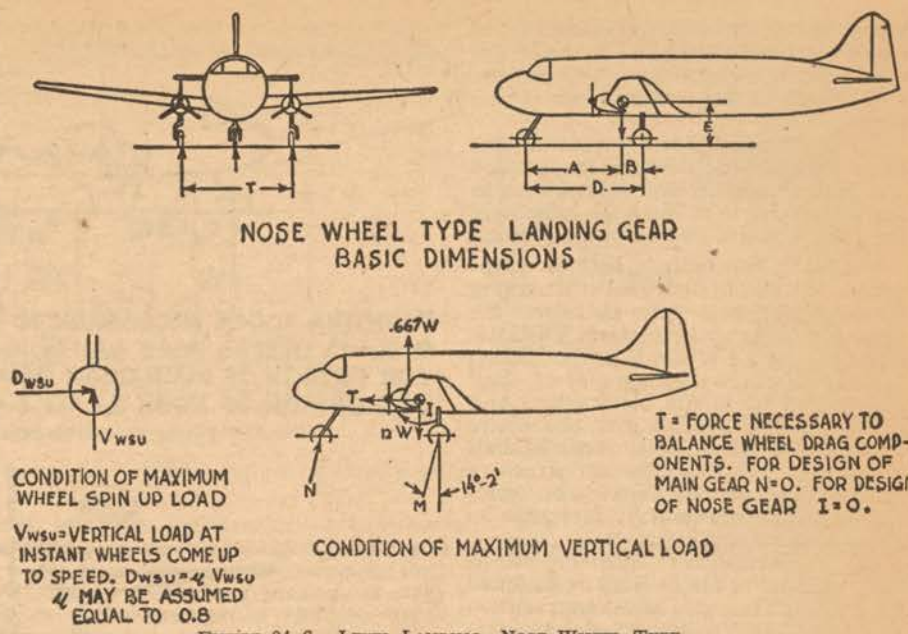
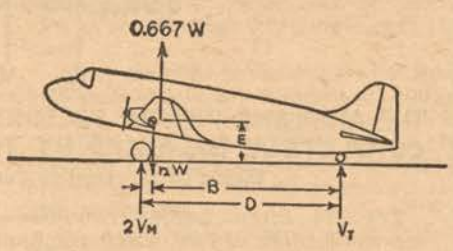


FIGURE 04–6. LEVEL LANDING—NOSE WHEEL TYPE.



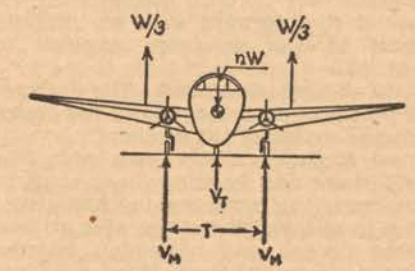


FIGURE 04–7. BASIC DIMENSIONS AND TAIL DOWN LANDING—TAIL WHEEL TYPE.

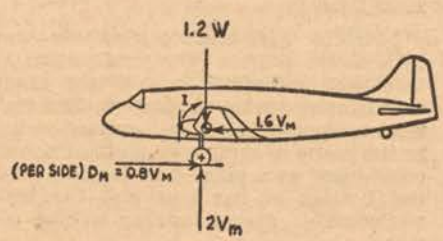


FIGURE 04–11. BRAKED ROLL TAIL WHEEL TYPE.

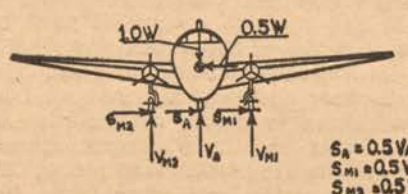
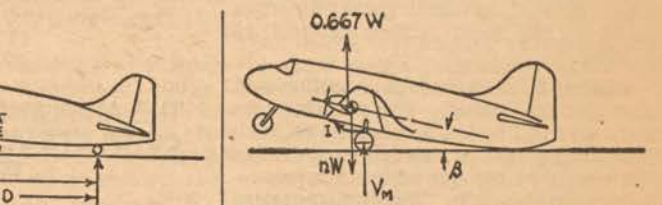
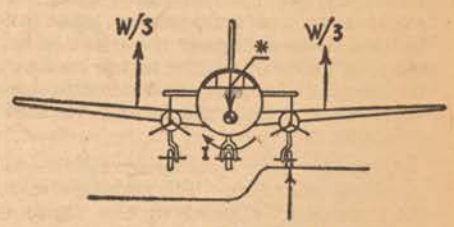


FIGURE 04–12. GROUND TURNING TAIL WHEEL TYPE.



B = Angle for main gear and tail structure contacting ground except need not exceed stall angle.

FIGURE 04–8. TAIL DOWN LANDING—NOSE WHEEL TYPE.



* THE AIRPLANE INERTIA LOADS REQUIRED TO BALANCE THE EXTERNAL FORCES

FIGURE 04–9. ONE WHEEL LANDING—NOSE OR TAIL WHEEL TYPE.

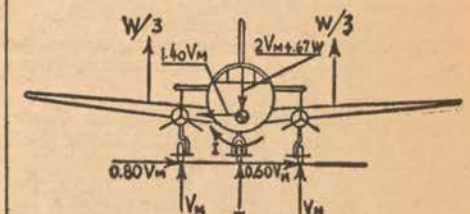


FIGURE 04–10. LATERAL DRIFT LANDING—NOSE OR TAIL WHEEL TYPE—AIRPLANE IN LEVEL ATTITUDE.

Figure 04–16. No variation from keel to chine (beamwise) shall be assumed, except when the chine flare indicates the advisability of higher pressures at the chine.

(c) *Application of local pressure.* The local pressures determined in (a) and (b) shall be applied over a local area in such a manner as to cause the maximum local loads in the hull bottom structure.

§ 04.2511 *Distributed bottom pressures.* (a) For the purpose of designing frames, keels, and chine structure, the limit pressures obtained from § 04.2510, using a value of W not less than design landing weight, and Figure 04–16 shall be reduced to ½ the local values and simultaneously applied over the entire hull bottom. The loads so obtained shall be carried into the side-wall structure of the hull proper, but need not be transmitted in a fore-and-aft direction as shear and bending loads.

(b) *Unsymmetrical loading.* Each floor member or frame shall be designed for a load on one side of the hull centerline equal to the most critical symmetrical loading, combined with a load on the other side of the hull centerline equal to ½ of the most critical symmetrical loading.

§ 04.2512 *Step loading condition*—(a) *Application of load.* The resultant water load shall be applied vertically in the plane of symmetry so as to pass through the center of gravity of the airplane.

(b) *Acceleration.* The limit acceleration shall be 4.0, unless a lower value is substantiated by suitable tests such as impact basin tests.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be computed from the inertia loads produced by the vertical water load. To avoid excessive local shear loads and bending moments near the point of water load application, the water load may be distributed over the hull bottom, using pressures not less than those specified in § 04.2511.

§ 04.2513 *Bow loading condition*—(a) *Application of load.* The resultant water load shall be applied in the plane of symmetry at a point $\frac{1}{5}$ of the distance from the bow to the step and shall be directed upward and rearward at an angle of 30° from the vertical.

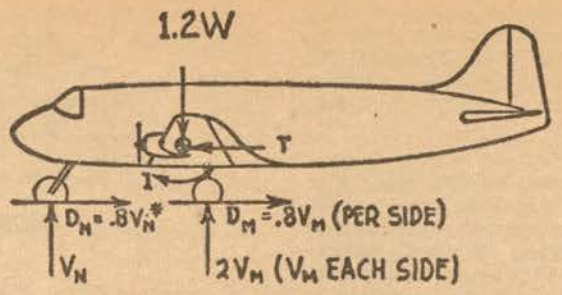
(b) *Magnitude of load.* The magnitude of the limit resultant water load shall be determined from the following equation:

$$p_b = \tfrac{1}{2}\, n_s\, W_e$$

Where

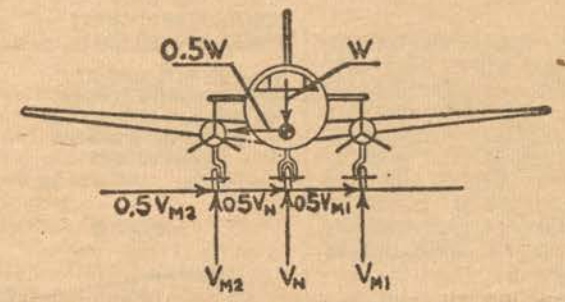
p_b=the load in pounds
n_s=the step landing load factor
W_e=an effective weight which is assumed equal to ½ the design landing weight of the airplane.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be determined by proper consideration of the inertia loads which resist the linear and angular accelerations involved. To avoid excessive local shear loads, the water reaction may be distributed over the hull bottom, using pressures not less than those specified in § 04.2511.



T= INERTIA FORCE NECESSARY TO BALANCE THE WHEEL DRAG FORCES.
* D_N=0 UNLESS NOSE WHEEL IS EQUIPPED WITH BRAKES.
FOR DESIGN OF MAIN GEAR V_N=0
FOR DESIGN OF NOSE GEAR I=0

FIGURE 04–13. BRAKED ROLL—NOSE WHEEL TYPE.



THE AIRPLANE INERTIA FACTORS AT THE CENTER OF GRAVITY ARE COMPLETELY BALANCED BY THE WHEEL REACTIONS AS SHOWN

FIGURE 04–14. GROUND TURNING—NOSE WHEEL TYPE.

§ 04.2514 *Stern loading condition*—(a) *Application of load.* The resultant water load shall be applied vertically in the plane of symmetry and shall be distributed over the hull bottom from the second step forward with an intensity equal to the pressures specified in § 04.2511.

(b) *Magnitude of load.* The limit resultant load shall equal ¾ of the design landing weight of the airplane.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be determined by assuming the hull structure to be supported at the wing attachment fittings and neglecting internal inertia loads. This condition need not be applied to the fittings or to the portion of the hull ahead of the rear attachment fittings.

§ 04.2515 *Side loading condition*—(a) *Application of load.* The resultant water load shall be applied in a vertical plane through the center of gravity. The vertical component shall be assumed to act in the plane of symmetry and horizontal component at a point half-way between the bottom of the keel and the load waterline at design landing weight (at rest).

(b) *Magnitude of load.* The limit vertical component of acceleration shall be 3.25 and the side component shall be equal to 15% of the vertical component.

(c) *Hull shear and bending loads.* The hull shear and bending loads shall be determined by proper consideration of the inertia loads or by introducing couples at the wing attachment points. To avoid excessive local shear loads, the water reaction may be distributed over the hull bottom, using pressures not less than those specified by § 04.2511.

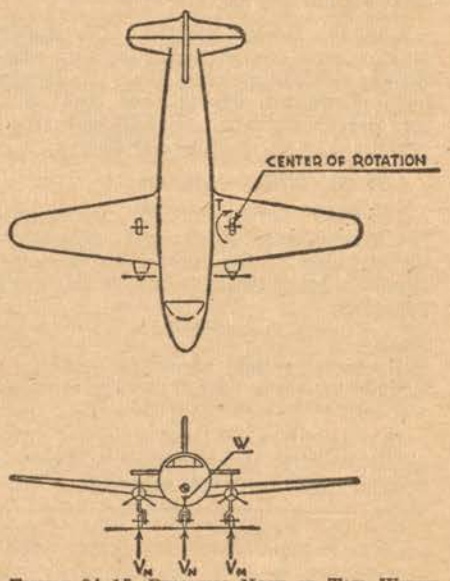


FIGURE 04–15. PIVOTING NOSE OR TAIL WHEEL TYPE.

V_n and V_m are static ground reactions for tail wheel type; the airplane is in the three point attitude with static landing gear reactions, pivoting about one main landing gear unit.

§ 04.252 *Float seaplanes.*

§ 04.2520 *Landing with inclined reactions.* The vertical component of the limit load factor shall be 4.0, unless a lower value is substantiated by suitable tests such as impact basin tests. The

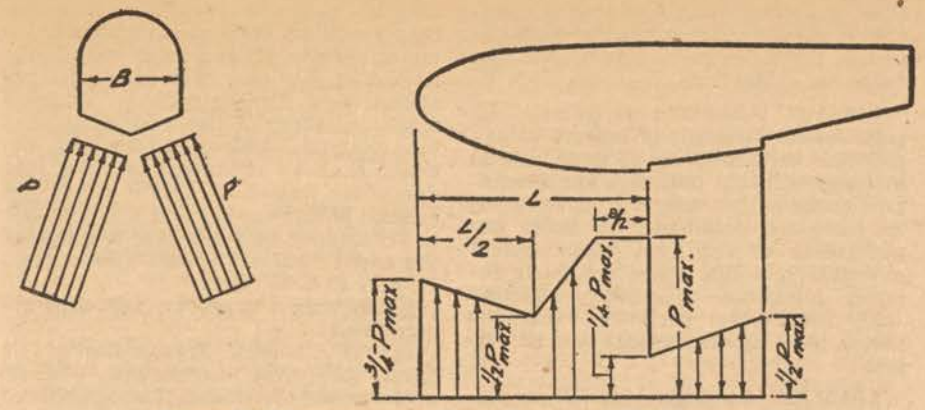


FIGURE 04–16. DISTRIBUTION OF LOCAL PRESSURES—BOAT SEAPLANES.

propeller axis (or equivalent reference line) shall be assumed to be horizontal and the resultant water reaction to be acting in the plane of symmetry and passing through the center of gravity of the airplane, but inclined so that its horizontal component is equal to ¼ of its vertical component. Inertia forces shall be assumed to act in a direction parallel to the water reaction.

§ 04.2521 *Landing with vertical reactions (float seaplanes).* The limit load factor shall be 4.0 acting vertically, unless a lower value is substantiated by suitable tests, such as impact basin tests. The propeller axis (or equivalent reference line) shall be assumed to be horizontal, and the resultant water reaction to be vertical and passing through the center of gravity of the airplane.

§ 04.2522 *Landing with side load (float sea planes).* The vertical component of the limit load factor shall be 4.0. The propeller axis (or equivalent reference line) shall be assumed to be horizontal and the resultant water reaction shall be assumed to be in the vertical plane which passes through the center of gravity of the airplane and is perpendicular to the propeller axis. The vertical load shall be applied through the keel or keels of the float or floats and evenly divided between the floats when twin floats are used. A side load equal to one-fourth of the vertical load shall be applied along a line approximately halfway between the bottom of the keel and the level of the water line at rest. When twin floats are used, the entire side load specified shall be applied to the float on the side from which the water reaction originates.

§ 04.253 *Seaplane float loads.* Each main float of a float seaplane shall be capable of carrying the following loads when supported at the attachment fittings as installed on the airplane.

(a) A limit load, acting upward, applied at the bow end of the float and of magnitude equal to that portion of the airplane weight normally supported by the particular float.

(b) A limit load acting upward at the stern of magnitude equal to 0.8 times that portion of the airplane weight normally supported by the particular float.

(c) A limit load, acting upward, applied at the step and of magnitude equal to 1.5 times that portion of the airplane weight normally supported by the particular float.

§ 04.2530 *Seaplane float bottom loads.* Main seaplane float bottoms shall be designed to withstand the following loads:

(a) A limit bottom pressure of at least the value specified in § 04.2510, applied over that portion of the bottom lying between the first step and a section at 25% of the distance from the step to the bow.

(b) A limit bottom pressure of at least one-half the value specified in (a) above, applied over that portion of the bottom lying between the section at 25% of the distance from the step to the bow and a section at 75% of the distance from the step to the bow.

(c) A limit bottom pressure of at least 0.3 of the values specified in (a) above, applied over that portion of the bottom aft of the step (aft of main step if more than one step is used).

§ 04.254 *Wing tip float loads.* Wing tip floats and their attachment, including the wing structure, shall be analyzed for each of the following conditions:

(a) A limit load acting vertically up at the completely submerged center of buoyancy and equal to three times the completely submerged displacement.

(b) A limit load inclined upward at 45° to the rear and acting through the completely submerged center of buoyancy and equal to three times the completely submerged displacement.

(c) A limit load acting parallel to the water surface (laterally) applied at the center of area of the side view and equal to 1.5 times the completely submerged displacement.

§ 04.2540 The primary wing structure shall incorporate sufficient extra strength to insure that failure of wing-tip float attachment members occurs before the wing structure is damaged.

§ 04.255 *Seawing loads.* Seawing design loads shall be based on suitable test data.

§ 04.26 *Emergency landing conditions.*

§ 04.260 *General.* The following requirements deal with emergency conditions of landing on land or water in which the safety of the occupants shall be considered, although it is accepted that parts of the airplane may be damaged.

The structure shall be designed to give every reasonable probability that all the occupants, if they make proper use of the seats, belts, and other provisions made in the design (see § 04.382) will escape serious injury in the event of a minor crash landing (with wheels up if the airplane is equipped with retractable landing gear) in which the occupants experience all combinations of the following ultimate inertia forces relative to the surrounding structure.

Forward	0 to 6.0 g
Sideward	0 to 1.5 g
Vertical	0 to 4.5 g (down)
	0 to 2.0 g (up)

A lesser value of the downward inertia force may be used if it is shown that the airplane structure could absorb the landing shock corresponding to the design landing weight and an ultimate descent velocity of 5 fps without exceeding the value chosen. The specified inertia forces shall also be applied to all items of mass which would be liable to injure the passengers or crew if they came adrift under such conditions, and the supporting structure shall be designed to restrain these items.

§ 04.261 *Ditching provisions.* At the request of the applicant, type certification may include certification that adequate provision has been made for emergency landings during over-water flights. In order that landplanes may qualify for such a certification, satisfactory evidence must be submitted that all practicable measures compatible with the general characteristics of the type have been taken to minimize the chance of any behavior of the airplane, in an emergency landing on water, which would be likely to cause immediate injury to the occupants or to make it impossible for them to escape from the airplane. (Airplanes that are to receive this special certification must also comply with the terms of § 04.3811).

In demonstrating compliance with this requirement, the probable behavior of the airplane in a water landing shall be investigated by model tests or comparison with airplanes of similar configuration for which the ditching characteristics are known. In making such tests or comparisons proper consideration shall be given to scoops, flaps, projections, and all other factors likely to affect the hydrodynamic characteristics of the actual airplane. External doors and windows shall be designed to withstand the probable maximum local pressures unless the effects of the collapse of such parts are taken into account in the model tests or airplane comparison.

§ 04.3 *Design and Construction.*

§ 04.30 *General.* The airplane shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests. Minimum tests required to prove the strength and proper functioning of particular parts are specified.

§ 04.300 *Approved specifications and parts.* Where the word "approved" or

"acceptable" is used in this part to describe specifications, materials, parts, methods and processes, such items shall be specifically approved by the Administrator upon a basis and in a manner found by him to be necessary to safety.

§ 04.301 *Materials.* The suitability and durability of all materials used in the airplane structure shall be established on the basis of experience or tests. All materials used in the airplane structure shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 04.302 *Fabrication methods.* The methods of fabrication employed in constructing the airplane structure shall be such as to produce a uniformly sound structure. When a fabrication process such as gluing, spot-welding, or heat treating requires close control to attain this objective, the process shall be performed in accordance with an approved process specification.

§ 04.3020 *Standard fastenings.* All bolts, pins, screws, and rivets used in the structure shall be of an approved type. The use of an approved locking device or method is required for all such bolts, pins, and screws. Self-locking nuts shall not be used on bolts which are subject to rotation in operation.

§ 04.303 *Protection.* All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes. In seaplanes, special precaution shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity. Adequate provisions for ventilation and drainage shall be made.

§ 04.304 *Inspection provisions.* Adequate means shall be provided to permit the close examination of such parts of the airplane as require periodic inspection, adjustments for proper alignment and functioning, and lubrication of moving parts.

§ 04.31 *Structural parts.*

§ 04.310 *Material strength properties and design values.* Material strength properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis. The design values shall be so chosen that the probability of any structure being understrength because of material variations is extremely remote. ANC–5 [1] values and ANC–18 [1] shall be used unless shown to be inapplicable in a particular case.

§ 04.311 *Special factors.* Where there may be uncertainty concerning the actual strength of particular parts of the structure, or where the strength is likely to deteriorate in service prior to normal replacement, increased factors of safety shall be provided to insure that the reliability of such parts is not less than the rest of the structure as specified in the following subsections.

§ 04.3110 *Variability factor.* For parts whose strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety shall be increased sufficiently to make the probability of any part being understrength from this cause extremely remote. Minimum variability factors (only the highest pertinent variability factor need be considered) are as follows:

§ 04.31100 *Castings.* (a) Where visual inspection only is to be employed, the variability factor shall be 2.0.

(b) The variability factor may be reduced to 1.25 for ultimate loads and 1.15 for limit loads when at least three sample castings are tested to show compliance with these factors, and all sample and production castings are visually and radiographically inspected in accordance with an approved inspection specification.

(c) Other inspection procedures and variability factors may be used if approved by the Administrator.

§ 04.3111 *Bearing factors.* The factor of safety in bearing at bolted or pinned joints shall be suitably increased to provide for the following conditions: (Values in ANC–5 are acceptable)

(a) Relative motion in operation. (Control surface and system joints are covered in §§ 04.34 and 04.35).

(b) Joints with clearance (free fit) subject to pounding or vibration.

Bearing factors need not be applied when covered by other special factors.

§ 04.3112 *Fitting factor.* Fittings are defined as parts such as end terminals used to join one structural member to another. A multiplying factor of safety of at least 1.15 shall be used in the analysis of all fittings whose strength is not proven by limit and ultimate load tests in which the actual stress conditions are simulated in the fitting and the surrounding structure. This factor applies to all portions of the fitting, the means of attachment, and bearing on the members joined. In the case of integral fittings, the part shall be treated as a fitting up to the point where the section properties become typical of the member. The fitting factor need not be applied where a type of joint design based on comprehensive test data is used. The following are examples: Continuous joints in metal plating, welded joints, and scarf joints in wood, all made in accordance with approved practices.

§ 04.313 *Fatigue strength.* The structure shall be designed in so far as practicable, to avoid points of stress concentration where variable stresses above the fatigue limit are likely to occur in normal service.

§ 04.32 *Flutter, vibration, and stiffness.*

§ 04.320 *Flutter and vibration prevention measures.* Wings, tail surfaces, control surfaces, control systems, and other structural parts shall be free from flutter and all dangerous vibration, including that resulting from gust impulses, for all conditions of operation within the limit V–n envelope, (See § 04.15 for required flight demonstration). In addition to this flight demonstration, satisfactory analytical and/or experimental evidence shall be submitted to show that dangerous flutter conditions would not develop at any speed up to 1.2 V_d chosen in accordance with § 04.2110 except that the speed need not exceed the terminal velocity in a 30° dive.

In showing compliance with this requirement:

(a) The natural frequencies of all main structural components, control surfaces and systems shall be determined by vibratiton tests or other satisfactory methods, and shall be shown to be within the range of values satisfactory for the prevention of flutter.

(b) The mass balance of movable control surfaces shall be shown to be such as to preclude flutter. If concentrated balance weights are used to balance control surfaces, their location and the stiffness of their supports shall be shown adequate to render them effective.

(c) Control surface tabs not equipped with a rugged irreversible actuating mechanism, as specified in § 04.352, shall be properly mass balanced and shown to be free from flutter tendencies by a rational flutter analysis or equivalent testing.

§ 04.321 *Stiffness.* Wings and tail surfaces shall be shown to be free from aero-elastic divergence, and control surfaces to be free from reversal of effect, at all speeds up to 1.2V_d chosen in accordance with § 04.2110, except that the speed need not exceed the terminal velocity in a 30° dive. In showing compliance with this requirement, the torsional rigidity of wings and tail surfaces shall be determined by tests or other acceptable methods.

§ 04.33 *Wings.*

§ 04.330 *External bracing.* When wires are used for external lift bracing, they shall be double unless the design provides for a lift-wire-cut condition. Rigging loads shall be taken into account in a rational or conservative manner. The end connections of brace wires shall be such as to minimize restraint against bending or vibration. When brace struts of large fineness ratio are used, the aerodynamic forces on such struts shall be taken into account.

§ 04.331 *Covering.* Strength tests of fabric covering are required unless approved grades of cloth, methods of support, attachment and finishing are employed. Special tests may be required when it appears necessary to account for the effects of unusually high design airspeeds, slipstream velocities, or other unusual conditions.

§ 04.34 *Control surfaces (fixed and movable).*

§ 04.341 *Proof of strength.* Limit load tests are required to prove compliance with limit load requirements. Control surface tests shall include the horn or fitting to which the control system is attached. Analysis or individual load

[1] ANC–5, "Strength of Aircraft Elements" and ANC–18, "Design of Wood Aircraft Structures" are published by the Army-Navy-Civil Committee on Aircraft Design Criteria and may be obtained from the Government Printing Office, Washington, D. C., for $0.35 and $0.25 respectively.

tests shall be conducted to demonstrate compliance with the multiplying factor of safety requirements for control surface hinges. Rigging loads due to wire bracing shall be taken into account in a rational or conservative manner. The end connections of brace wires shall be such as to minimize restraint against bending or vibration.

§ 04.342 *Installation.* Movable tail surfaces shall be so installed that there is no interference between the surfaces of their bracing when each is held in its extreme position and all others are operated through their full angular movement. When an adjustable stabilizer is used, stops shall be provided which will limit its travel, in the event of failure of the adjusting mechanism, to a range equal to the maximum required to trim the airplane in accordance with § 04.132.

§ 04.343 *Hinges.* Control surface hinges, excepting ball and roller bearings, shall incorporate a multiplying factor of safety of not less than 6.67 with respect to the ultimate bearing strength of the softest material used as a bearing. For hinges incorporating ball or roller bearings, the approved rating of the bearing shall not be exceeded. Hinges shall provide sufficient strength and rigidity for loads parallel to the hinge line.

§ 04.35 *Control systems.*

§ 04.350 *General.* All controls shall operate with sufficient ease, smoothness, and positiveness to permit the proper performance of their function and shall be so arranged and identified as to provide satisfactory convenience in operation and prevent possibility of confusion and subsequent inadvertent operation.

§ 04.351 *Primary flight controls.* Primary flight controls are defined as those used by the pilot for the immediate control of the pitching, rolling, and yawing of the airplane. Two control airplanes shall be capable of continuing safely in flight and landing in spite of the failure of any one connecting element in the primary directional-lateral flight control system.

§ 04.352 *Trimming controls.* The trimming controls shall be conveniently located and each shall operate in the plane and with the sense of the motion of the airplane which its operation is intended to provide, as specified in § 04.3802. Proper precautions shall be taken against the possibility of inadvertent or abrupt tab operation. Means shall be provided, adjacent to the control to indicate to the pilot the direction of the control movement in relation to the airplane motion and the positions of the trim device with respect to the range of adjustment. Trimming devices shall be capable of continued normal operation in spite of the failure of any one connecting or transmitting element in the primary flight control system. Tab controls shall be irreversible unless the tab is properly balanced and investigated for flutter. Irreversible tab systems shall provide adequate rigidity and reliability in the portion of the system from the tab to the attachment of the irreversible unit to the airplane structure.

§ 04.353 *Wing flap controls.* The wing flap control shall provide means for bringing the flaps from any position within the operating range to any one of the take-off, enroute, approach, and landing positions specified in § 04.12. The control shall operate in such a manner as to permit the flight crew to place the flap in any of these positions readily and surely and to maintain these positions thereafter without further attention on the part of the crew. The flap control shall operate in the directions specified in § 04.3802 and shall be so located and designed as to render improbable its inadvertent operation. (See Figure 04–17.) The rate of motion of the flap in response to the operation of the control shall be such as to permit compliance with the requirements of §§ 04.13102 and 04.13103. The control shall be so designed as to be capable of retracting the flaps from the fully extended position during steady flight drawing maximum continuous power at all speeds from V_{sf} to V_f plus 10 mph. Means shall be provided to indicate the flap position to the pilot and the indicator shall show the take-off, enroute, approach, and landing positions. If any extension of the flaps beyond the landing position is possible, the flap control shall be clearly marked to identify such range of extension. Adequate instructions for the proper operation of the wing flaps shall be included in the airplane operating manual required by § 04.62.

§ 04.3530 *Flap interconnection.* The motion of flaps on opposite sides of the plane of symmetry shall be synchronized by a mechanical interconnection unless the airplane is demonstrated to have safe flight characteristics while the flaps are retracted on one side and extended on the other. Where an interconnection is used, it shall be designed to account for the unsymmetrical loads resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at take-off power. For single engined airplanes, it may be assumed that 100% of the critical airload acts on one side and 70% on the other.

§ 04.354 *Stops.* All control systems shall be provided with stops which positively limit the range of motion of the control surfaces. Stops shall be so located in the system that wear, slackness or take-up adjustments will not appreciably affect the range of surface travel. Stops shall be capable of withstanding the loads corresponding to the design conditions for the control system.

§ 04.355 *Control system locks.* When a device is provided for locking a control surface while the airplane is on the ground or water:

(a) The locking device shall be so installed as to provide unmistakable warning to the pilot when it is engaged,

(b) Means shall be provided to preclude the possibility of the lock becoming engaged during flight.

Such locks shall be designed for the ground gust conditions of § 04.231.

§ 04.356 *Proof of strength.* Tests are required to prove compliance with limit load requirements. The direction of test loads shall be such as to produce the most severe loading of the control system structure. The tests shall include all fittings, pulleys, and brackets used to attach the control system to the primary structure. Analyses or individual load tests shall be conducted to demonstrate compliance with the multiplying factor of safety requirements specified for control system joints subjected to angular motion.

§ 04.3560 *Operation test.* An operation test shall be conducted by operating the controls from the pilot's compartment with the entire system so loaded as to correspond to 80% of the limit load specified for the control system in question. In this test there shall be no jamming, excessive friction, or excessive deflection.

§ 04.357 *Control system details.*

§ 04.3570 *General.* All control systems and operating devices shall be so designed and installed as to prevent jamming, chafing, or interference from cargo, passengers, or loose objects as a result of inadequate clearances. Special precautions shall be provided in the cockpit to prevent the entry of foreign objects into places where they might jam the controls. Provisions shall be made to prevent the slapping of cables or tubes against parts of the airplane.

§ 04.3571 *Cable systems.* Cables, cable fittings, turnbuckles, splices, and pulleys shall be in accordance with approved specifications. Cables smaller than ⅛ inch diameter shall not be used in the primary control system. The design of cable systems shall be such that there will not be a hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations. Pulley types and sizes shall correspond to the cables with which they are used, as specified on the pulley specification. All pulleys shall be provided with satisfactory guards which shall be closely fitted to prevent the cables becoming misplaced or fouled even when slack. The pulleys shall lie in the plane passing through the cable within such limits that the cable does not rub against the pulley flange. Fairleads shall be so installed that they are not required to cause a change in cable direction of more than 3°. Clevis pins (excluding those not subject to load or motion) retained only by cotter pins shall not be employed in the control system. Turnbuckles shall be attached to parts having angular motion in such a manner as to prevent positively any binding throughout the range of travel. Provisions for visual inspection shall be made at fairleads, pulleys, terminals, and turnbuckles.

§ 04.3572 *Joints.* Control system joints subjected to angular motion in push-pull systems, excepting ball and roller bearing systems, shall incorporate a multiplying factor of safety of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing. This factor may be reduced to 2.0 for such joints in cable control systems. For ball or roller bear-

ings the approved rating of the bearings shall not be exceeded.

§ 04.36 *Landing gear.*

§ 04.361 *Shock absorbers.* Main, nose, and tail wheel units shall incorporate shock absorbing elements which shall be substantiated by the tests specified in the following subsections. In addition, the shock absorbing ability of the landing gear in taxiing must be demonstrated in the operational tests of § 04.143.

§ 04.3610 *Shock absorption tests.* (a) It shall be demonstrated by energy absorption tests that the limit load factors selected for design in accordance with § 04.241 for take-off and landing weights respectively would not be exceeded under the critical landing conditions specified in that section.

(b) In addition, a reserve of energy absorption shall be demonstrated by a test simulating an airplane descent velocity of 12 fps at design landing weight, assuming wing lift not greater than the airplane weight acting during the landing impact. In this test the landing gear shall not fail.

§ 04.36100 *Limit drop tests.* If compliance with the specified limit landing conditions of § 04.3610 (a) is demonstrated by free drop tests, these shall be conducted on the complete airplane, or on units consisting of wheel, tire, and shock absorber in their proper relation, from free drop heights not less than the following:

(a) 18.7 inches for the design landing weight conditions.

(b) 6.7 inches for the design take-off weight conditions.

To simulate wing lift in free drop tests the landing gear shall be dropped with an effective mass equal to:

$$W_e=\frac{Wh+(1-L)d}{h+d}$$

where,

W_e=the effective weight to be used in the drop test
h=specified height of drop in inches
d=deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass. The value of d used in the computation of W_e shall not exceed the value actually obtained in the drop test.
$W=W_m$ for main gear units, equal to the static weight on the particular unit with the airplane in the level attitude (with the nose wheel clear, in the case of nose wheel type airplanes).
$W=W_t$ for tail gear units, equal to the static weight on the tail unit with the airplane in the tail down attitude.
$W=W_n$ for nose wheel units, equal to the static reaction which would exist at the nose wheel, assuming the mass of the airplane acting at the center of gravity and exerting a force of 1.0 g downward and 0.25 g forward.
L=the ratio of the assumed wing lift to the airplane weight, not in excess of 0.667.

The attitude in which a landing gear unit is drop tested shall be such as to simulate the airplane landing condition which is critical from the standpoint of energy to be absorbed by the particular unit.

§ 04.36101 *Limit load factor determination.* In determining the limit airplane inertia load factor, n, from the free drop tests described above, the following formula shall be used:

$$n=n_j\frac{W_e}{W}+L$$

where

n_j=the load factor developed in the drop test, that is, the acceleration (dv/dt) in g's recorded in the drop test, plus 1.0.

The value of n so determined shall not be greater than the limit load factor used in the landing conditions, § 04.241.

§ 04.36102 *Reserve energy absorption drop tests.* If compliance with the reserve energy absorption condition specified in § 04.3610 (b) is demonstrated by free drop tests, the landing gear units shall be dropped from a free drop height of not less than 27 inches. If it is desired to simulate wing lift equal to the airplane weight, the units shall be dropped with an effective mass equal to

$$W_e=W\frac{h}{h+d}$$

where the symbols and other details are the same as in § 04.36100.

§ 04.362 *Retracting mechanism.* The landing gear retracting mechanism and supporting structure shall be designed for the loads occurring in the flight conditions when the gear is in the retracted position. It shall also be designed for the combination of friction, inertia, brake torque, and air loads occurring during retraction and extension at any airspeed up to 1.6 V_{s_1}, (flaps in the approach position at design landing weight) and any load factors up to those specified for the flaps extended condition, § 04.212. The landing gear and retracting mechanism, including the wheel well doors, shall withstand flight loads with the landing gear extended at any speed up to V_e without permanent deformation. Positive means shall be provided for the purpose of maintaining the wheels in the extended position.

§ 04.3620 *Emergency operation.* Emergency means of extending the landing gear shall be provided, so that the landing gear can be satisfactorily extended in the event of any reasonably probable failure in the normal retraction system. The emergency system shall provide for the failure of any single source of hydraulic, electric, or equivalent energy supply.

§ 04.3621 *Operation test.* Proper functioning of the landing gear retracting mechanism shall be demonstrated by operation tests.

§ 04.3622 *Position indicator and warning device.* When retractable landing wheels are used, means shall be provided for indicating to the pilot, when the wheels are secured in either extreme position. In addition, landplanes shall be provided with an aural warning device which shall function continuously after all throttles are closed until the gear is down and locked. If a manual shutoff for the warning device is provided, it shall be arranged so that reopening the throttles will render the warning device effective again, as specified above.

§ 04.3623 *Control.* The landing gear retraction control shall be located and shall operate as described in § 04.3802.

§ 04.363 *Wheels.* Main landing gear wheels (i. e. those nearest the airplane center of gravity) shall be of an approved type in accordance with Part 15 of this chapter. The rated static load of each main wheel shall not be less than the design take-off weight, divided by the number of main wheels. Nose wheels shall be tested in accordance with Part 15 of this chapter for an ultimate radial load of not less than the maximum nose wheel ultimate loads obtained in the ground loads requirements, and for the corresponding side and burst loads specified in Part 15 of this chapter.

§ 04.364 *Tires.* A landing gear wheel may be equipped with any make or type of tire, *Provided,* That the tire is a proper fit on the rim of the wheel and provided that the approved tire rating is not exceeded under the following conditions:

(a) Airplane weight equal to the design take-off weight.

(b) Load on main wheel tires equal to the airplane weight divided by the number of wheels.

(c) Load nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane concentrated at the center of gravity and exerting a force of 1.0g downward and 0.31 g forward, the reactions being distributed to the nose and main wheels by the principles of statics with the drag reaction at the ground applied only at those wheels having brakes. When specially constructed tires are used to support an airplane, the wheels shall be plainly and conspicuously marked to that effect. Such markings shall include the make, size, number of plies, and identification marking of the proper tire.

Approved ratings are those assigned by the Tire and Rim Association or by the Administrator.

§ 04.365 *Brakes.* All airplanes shall be equipped with brakes certificated in accordance with the provisions of Part 15 of this chapter for the maximum certificated landing weight at sea level and the power-off stalling speed, V_{s_0}, as defined in § 04.121. The brake system shall be so designed and constructed that in the event of a single failure in any connection or transmitting element in the brake system (excluding the operating pedal or handle), or the loss of any single source of hydraulic or other brake operating energy supply, it shall be possible, as shown by suitable test or other data, to bring the airplane to rest under conditions specified in § 04.124 with a mean negative acceleration during the landing roll of at least 50% of that obtained in determining the landing distance under that section. In applying this requirement to hydraulic brakes, the brake drum, shoes, and actuators (or their equivalents) shall be considered as connecting or transmitting elements unless it is shown that the leakage of hydraulic fluid resulting from failure of the sealing elements in these units would not reduce the braking effectiveness below that specified above.

§ 04.3650 *Parking brake.* A parking brake control shall also be provided which may be set by the pilot, and without further attention, maintain braking sufficient to prevent the airplane from rolling on a paved runway while applying take-off power on the most critical engine.

§ 04.3651 *Brake controls.* Brake controls shall not require excessive control forces in their operation.

§ 04.366 *Skis.* Skis shall be certificated in accordance with the ski requirements of Part 15 of this chapter. The approved rating of the skis shall not be less than the maximum take-off weight of the airplane on which they are installed.

§ 04.3660 *Installation.* The ski installation shall be made in accordance with the ski or airplane manufacturer's recommendations which shall have been approved by the Administrator.

In addition to such shock cord(s) as may be provided, front and rear check cables shall be used on skis not equipped with special stabilizing devices.

§ 04.3661 *Tests.* It shall be demonstrated that the airplane has satisfactory landing and taxiing characteristics and that the airplane's flight characteristics are not impaired by the installation of the skis.

§ 04.37 *Hulls and floats.*

§ 04.370 *Buoyancy (main seaplane floats).* Main seaplane floats shall have a buoyancy in excess of that required to support the gross weight of the airplane in fresh water as follows:

(a) 80% in the case of single floats.

(b) 90% in the case of double floats.

Main seaplane floats shall contain at least 5 water-eight compartments of approximately equal volume.

§ 04.371 *Buoyance (boat seaplanes).* The hulls of boat seaplanes and amphibians shall be divided into water tight compartments such that with any 2 adjacent compartments flooded, the hull and auxiliary floats (and tires, if used) will retain sufficient buoyancy to support the gross weight of the aircraft in fresh water without capsizing. Bulkheads may have water-tight doors for the purpose of communication between compartments.

§ 04.38 *Fuselage.*

§ 04.380 *Pilot compartment.*

§ 04.3800 *General.* The arrangement of the pilot compartment and its appurtenances shall provide a satisfactory degree of safety and assurance that the pilot will be able to perform all his duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

The primary flight control units listed on Figure 04–17, excluding cables and control rods, shall be so located with respect to the propellers that no portion of the pilot or controls lie in the region between the plane of rotation of any inboard propeller and the surface generated by a line passing through the center of the propeller hub and making an angle of 5° forward or aft of the plane of rotation of the propeller.

When a second pilot is required for particular operations by Parts 40, 41, and 61 of this chapter the airplane shall be fully and readily controllable from each seat.

The pilot compartment shall be so constructed as to prevent leakage likely to be distracting to the crew or harmful to the structure when flying in rain or snow. A door or an adequate openable window shall be provided between the pilot compartment and the passenger compartment. When a door is provided, it shall be equipped with a locking means which will prevent passengers from opening such door without the pilot's permission.

§ 04.3801 *Vision.*

§ 04.33010 *Non-precipitation conditions.* The pilot compartment shall be arranged to afford the pilots a sufficiently extensive, clear, and undistorted view to perform safely all maneuvers within the operating limitations of the airplane, including taxiing, take-off, approach, and landing. It shall be demonstrated by day and night flight tests that the pilot compartment is free of glare and reflections that would interfere with the pilots' vision.

§ 04.38011 *Precipitation conditions.* At least the first pilot shall be afforded an adequate view along the flight path in normal flight, approach, and landing, by the provisional means for maintaining appropriate areas of the windshield clear without continuous attention by the crew during the following conditions of precipitation:

(a) In heavy rain at all speeds up to $1.6V_{s_1}$, flaps retracted.

(b) In severe icing conditions, whenever de-icing provisions are required for the particular operations by Parts 40, 41, and 61.

In all cases, at least the first pilot shall be provided with a window which is openable under the above conditions and is so arranged as to afford, through the opening, a view as specified above, with sufficient protection from the elements that his vision is not impaired. The window need not be opened under pressurized conditions.

§ 04.38012 *Pilot windshield and windows.* All internal glass panes shall be of a non-splintering safety type.

§ 04.38013 *Bird impact.* The windshield, its supporting structure, and other structure in front of the pilots shall have sufficient strength to withstand without penetration the impact of a four-pound bird when the relative velocity of the bird to the airplane along the flight path of the latter is equal to the value of V_c at sea level chosen in accordance with § 04.2110.

§ 04.3802 *Cockpit arrangement.* All cockpit controls shall be so located and except for the primary controls, identified as to provide satisfactory convenience in operation including adequate provisions to prevent the possibility of confusion and consequent inadvertent operation. See Figures 04–17 and 04–18 for direction of movement of aerodynamic, and certain powerplant, accessories, and auxiliary controls. Wherever practicable the sense of motion involved in the operation of other controls shall correspond with the sense of the effect of the operation upon the airplane or the part operated.

The controls shall be so located and arranged with respect to the pilot's seat that it will be readily possible for the operator to obtain full and unrestricted movement of each control without interference from either the cockpit structure or the operator's clothing when seated. This shall be demonstrated for individuals ranging from 5'2" to 6'0" in height.

Identical power plant controls for the several engines shall be so located as to prevent any misleading impression as to the engines to which they relate.

§ 04.38020 *Instruments and markings.* See § 04.5200 relative to instrument arrangement. The operational markings, instructions, and placards required for the instruments, controls, etc., are specified in § 04.61.

FIGURE 04–17. AERODYNAMIC CONTROLS.

Controls	Type of control	Movement and actuation
Primary:		
Aileron	Stick or Column with grip or wheel.	Right (clockwise) for right wing down.
Elevator		Rearward to pitch nose up.
Rudder	Foot pedals or rudder bar	Right pedal forward for nose right.
Secondary: Flaps or auxiliary lift devices.	X X X X	Down to extend.
Trimming: Tabs or equivalent	Wheel (or Segment when actuation suggests rotary movement).	Rotate to produce similar rotation of the airplane about the axis which is parallel to the axis of the control being operated.

Wing flap or auxiliary lift device controls and the landing gear control shall be adequately separated to prevent confusion and subsequent inadvertent operation.

FIGURE 04–18. POWERPLANT AND AUXILIARY CONTROLS.

Controls	Movement and actuation
Powerplant:	
Throttles	Forward to increase power.
Propeller	Forward to increase RPM.
Mixture	Forward for rich.
Carburetor air heat	Forward for cold.
Auxiliary: Landing gear	Down to extend.

Wing flap or auxiliary lift device controls and the landing gear control shall be adequately separated to prevent confusion and subsequent inadvertent operation.

§ 04.3803 *Noise and vibration.* Vibration and noise characteristics of cockpit appurtenances shall be such as not to interfere with the safe operation of the airplane.

§ 04.381 *Emergency provisions.*

§ 04.3811 *Flotation.* When certification of ditching provisions is desired under the provisions of § 04.261, satisfactory evidence shall be submitted that there is every reasonable probability that the airplane, after landing in the water as specified in § 04.261, would remain afloat, as follows:

(a) In the case of airplanes equipped with life rafts having capacity for all persons aboard the airplane, the floating time and trim would permit all occupants to leave their ditching stations and occupy the rafts.

(b) In the case of airplanes not equipped with life rafts having capacity for all persons aboard the airplane, the airplane would float indefinitely with sufficient compartments above the water line to accommodate all persons aboard the airplane.

Compliance with these requirements may be demonstrated by bouyancy and trim computations in which suitable allowances are made for probable structural damage and leakage. For airplanes equipped with fuel dump valves, the volume of fuel which could be dumped may be considered as buoyancy volume.

§ 04.3812 *Emergency exits.* Passenger and crew compartments designated as occupiable during take-off and landing shall be provided with emergency exits as specified in the following subsections. For the purposes of this requirement, a compartment is defined as a closed space to which normal access is by a door, passageway, or stair that is likely to become a bottleneck in evacuating the airplane. In case of question concerning the adequacy and suitability of emergency exits, it shall be demonstrated that the airplane can be completely evacuated in 30 seconds, or in a time equal to one second per occupant, whichever is greater, under conditions simulating a forced landing. The maximum number of persons for which seats are provided shall be used in this demonstration. The persons demonstrating the evacuation procedure may be briefed once prior to the official demonstration.

§ 04.38120 *Number of exits.* The minimum number of exits per compartment is as follows:

Number of persons for which seats are provided:	*Minimum number of exits required*
5 or less	1
Exceeding 5, not exceeding 15	2
Exceeding 15, not exceeding 22	3
Exceeding 22, not exceeding 29	4
Exceeding 29, not exceeding 36	5
Exceeding 36, not exceeding 50	6

The external door specified in § 04.3821 may be counted as one emergency exit if it meets the detail requirements of § 04.38121.

The number of exits in any one compartment need not exceed 4 if an adjacent compartment can be reached through a passageway without a door and if the total exits in the 2 compartments exceeds at least 1 exit per 8 passengers. Other numbers of exits may be used if it can be demonstrated that the airplane can be evacuated in the time specified in § 04.3812.

§ 04.38121 *Exit arrangement.* At least the minimum number of exits specified in § 04.38120 shall be located so as to give the maximum likelihood of their being usable in the emergency landing with wheels up. When certification of ditching provisions is desired, it shall be shown that at least one emergency exit for every 16 passengers is located above the water line as determined in § 04.3811.

In airplanes for which 2 or more exits are required, the ratio of the number of exits on either side to the total number required shall be not less than one-third. In such cases at least one exit on the opposite side from the main door shall be operatable from the outside and shall be marked accordingly for the guidance of rescue personnel.

The exits shall be readily accessible, shall not require exceptional agility of a person using them and shall be distributed so as to facilitate egress without crowding. Each exit shall provide a clear and unobstructed opening to the outside, the mimnimum dimensions of the opening shall be such that a 19 by 26 inch ellipse may be inscribed therein. Reasonable provisions shall be made against the jamming of exits as a result of fuselage deformation.

The method of opening shall be simple and obvious and the exits shall be so arranged that they may be readily operated. (See § 04.6122.) The proper functioning of exits shall be demonstrated by test. At land-plane exits which are more than 10 feet from the ground with the airplane on the ground and wheels retracted, suitable means shall be provided by which the occupants can safely descend to the ground.

§ 04.382 *Passenger and crew accommodations.*

§ 04.3821 *Doors.* Airplanes having closed cabins shall be provided with at least one adequate and easily accessible external main door. It shall be possible to open such door from either inside or outside by the operation of only one handle inside or one handle outside even though the persons using the exit may be crowded near it. The means of opening shall be simple and obvious and shall be so arranged and marked that it can be readily located and operated, even in darkness. Reasonable provisions shall be made to prevent the jamming of such door as a result of fuselage deformation in a minor crash.

No door for regular use shall be so located that persons using it would be endangered by the propellers.

§ 04.3822 *Seats, berths, and safety belts.*

§ 04.38220 *Arrangement.* At all stations designated as occupiable during take-off and landing, the seats, berths, belts or harness and surrounding parts of the airplane shall be so arranged that a person making proper use of the facilities provided would not suffer serious injury in the emergency landing conditions of § 04.26 as a result of contact of a vulnerable part of his body with any penetrating or relatively solid object. Passengers and crew shall be afforded protection from head injuries by one of the following or equivalent means:

(a) Safety belt and shoulder harness which will prevent the head from contacting any injurious object,

(b) Safety belt and the elimination of all injurious objects within radius of the head in a fore and aft direction,

(c) Safety belt and a cushioned rest which will properly support the arms, shoulders, head, and spine. This method may be applied to forward, sideward, and rearward facing seats.

Suitable hand grips or rails shall be provided along aisles to enable passengers or crew members to steady themselves while using the aisles during moderately rough air flights. Any projecting objects likely to cause injury to persons seated or moving about the airplane in normal flight shall be suitably padded.

§ 04.38221 *Strength.* All seats, berths, and supporting structure shall be designed for an occupant weighing at least 170 lbs. and the critical loads resulting from all specified flight load conditions.

All seats and berths designated as occupiable during landing and take-off, and their supporting structure, shall also be designed for the loads resulting from the specified ground loads and the emergency landing conditions of § 04.26, including appropriate reactions from the safety belts or harness.

Pilots' seats shall be designed for the reactions resulting from application of the pilot forces to the flight controls as specified in § 04.23.

§ 04.3823 *Ventilation and heating.*

§ 04.38230 *Ventilation.* All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present.

§ 04.38231 *Combustion heaters.* Gasoline operated combustion heater installations shall comply with applicable parts of the power plant installation requirements covering fire hazards and precautions. All applicable requirements concerning fuel tanks, lines, and exhaust systems shall be considered.

§ 04.3824 *Fire precautions.*

§ 04.38240 *Cabin interiors.* In compartments where smoking is to be permitted, the materials of the cabin lining, floors, upholstery, and furnishings shall be sufficiently flame resistant to preclude ignition by cigarettes or matches, and suitable ash containers shall be provided. All other compartments shall be placarded against smoking.

§ 04.3825 *Cargo compartments.* Each cargo compartment shall be designed for the placarded maximum weight of contents and critical load distributions at the appropriate maximum load factors corresponding to all specified flight and ground load conditions, excluding the emergency landing conditions of § 04.26. Suitable provisions shall be made to pre-

vent the contents of cargo compartments from becoming a hazard by shifting under these loads. Such provisions shall also be adequate to protect the passengers and crew from injury by the contents of any cargo compartment when the ultimate forward acting inertia force is 6 g.

§ 04.3826 *Pressure cabins.* When pressurized compartments are provided for the occupants of the airplane, the following requirements shall be met.

§ 04.38260 *Strength.* (a) All parts of the airplane subjected to loads from both pressure differential and flight strength conditions shall be designed for limit loads corresponding to the flight limit loads combined with pressure differential loads from zero up to the maximum relief valve setting. The external pressure distribution on the cabin in flight shall be taken into account.

(b) If landings are to be permitted with the cabin pressurized, loads from the landing conditions shall be combined with pressure differential loads from zero up to maximum to be permitted during landing.

(c) As a separate condition, all parts of the airplane affected by pressure differential loads shall be designed for limit pressure differential loads corresponding to 1.33 times the maximum relief valve setting. All other loads shall be omitted in this case.

(d) When a pressurized cabin is separated into two or more compartments by bulkheads or floors, the primary structure shall be designed to withstand the effects of sudden release of pressure in any compartment having external doors or windows. This condition shall be investigated for the failure of the largest opening in a compartment and intercompartment venting may be accounted for when provided.

§ 04.38261 *Pressure supply.* If cabin pressurization is to be used in lieu of the regular use of oxygen at altitude in complying with the operating requirements of parts 40, 41, and 61, the pressure supply shall be capable of maintaining a cabin pressure corresponding to an altitude of not more than 10,000 feet in standard atmosphere when the airplane altitude is any value up to the maximum for which certification is desired.

§ 04.38262 *Pressure control.* Pressure cabins shall be provided with at least the following valves, controls, and indicators for controlling cabin pressure:

(a) At least two pressure relief valves, one or both of which may be the normal regulating valve, which will automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of these valves shall be such that the failure of any one valve to operate would not cause an appreciable rise in the pressure differential. The pressure differential is considered positive when the internal pressure is greater than the external.

(b) At least two reversed pressure differential relief valves (or equivalent) which will automatically prevent a negative pressure differential greater than that which would damage the structure. One negative pressure relief valve may be used if it is of simple design.

(c) Means shall be provided by which the pressure differential can be rapidly equalized.

(d) A suitable automatic or manual regulator for controlling the intake and/or exhaust airflow by means of which required internal pressures and airflow rates can be maintained.

(e) Instruments at an appropriate crew station showing the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(f) Suitable warning indications shall be provided at the appropriate crew station, which will indicate when the safe or preset limits on pressure differential and absolute cabin pressure are exceeded.

(g) If the structure has not been designed for pressure differentials up to the maximum relief valve setting in combination with landing loads (see § 04.38260–b) a suitable warning placard shall be provided at the appropriate crew station.

§ 04.38263 *Tests.* The complete pressure cabin, including doors and windows and valves, shall be tested as a pressure vessel for the pressure differential specified in § 04.38260 (c).

The following functional tests shall be performed up to the working pressures:

(a) Functional and capacity tests of the positive and negative pressure differential relief valves and the emergency release valve, simulating the condition of regulator valves closed.

(b) Tests showing that all parts of the pressurization system would function properly under all possible conditions of pressure, temperature, and moisture up to the maximum altitude for which certification is desired.

(c) Flight tests demonstrating the performance of the pressure supply pressure and flow regulators, indicators, and warning signals in steady and stepped climbs and descents at rates corresponding to the maximum attainable without exceeding the operating limitations of the airplane, up to the maximum altitude for which certification is desired.

(d) Tests showing that all doors and emergency exits operate properly after flights listed in (c) above.

§ 04.3827 *Reinforcement near propellers.* Surfaces near propeller tips shall have sufficient strength and stiffness to withstand the effects of the induced vibration and of ice thrown from the propeller. Windows shall not be located in this area unless shown capable of withstanding the most severe ice impact to occur.

§ 04.39 *Miscellaneous.*

§ 04.390 *Leveling marks.* Suitable reference marks shall be provided for use in leveling the airplane when making weight and balance determinations on the ground.

§ 04.4 *Power plant installation—Reciprocating engines.*

§ 04.40 *General.* (a) The power plant installation shall be considered to include all components of the airplane which are necessary for its propulsion. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their safety of operation between normal inspections or overhaul periods.

(b) All components of the power plant installation shall be constructed, arranged, and installed in a manner that will assure their continued safe operation between normal inspections or overhaul periods. Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

(c) Electrical inter-connections shall be provided to prevent the existence of differences of potential between major components of the power plant installation and other portions of the airplane.

§ 04.41 *Engines and propellers.*

§ 04.410 *Engines.* Engines installed in certificated airplanes shall be of a type that has been certificated in accordance with the provisions of Part 13 of the Civil Air Regulations.

§ 04.41000 *Engine isolation.* The engines shall be so isolated, each from the other, that the failure or malfunctioning of any engine, or any part of the power plant installation serving any engine, will not prevent the safe operation of the remaining engine or engines.

§ 04.4101 *Control of engine rotation.* Means shall be provided for stopping and restarting the rotation of any engine individually in flight. All components provided for this purpose which are located on the engine side of the firewall and might be exposed to fire, shall be of fire resistant construction (See also § 04.436).

§ 04.411 *Propellers.* Propellers installed in certificated airplanes shall be of a type that has been certificated in accordance with the provisions of Part 14 of the Civil Air Regulations.

§ 04.4110 *Propeller vibration.* The magnitude of the propeller blade vibration stresses under all normal conditions of operations shall be determined by actual measurement or by comparison with similar installations for which such measurements have been made. The vibration stresses thus determined shall not exceed values that have been demonstrated to be safe for continuous operation.

§ 04.4111 *Propeller pitch and speed limitations.* (a) The propeller pitch and speed shall be limited to values that will assure safe operation under all normal conditions of operation and will assure compliance with the performance requirements specified in § 04.12 and its related sub-sections.

(b) A propeller speed limiting means shall be provided at the governor. Such means shall be set to limit the maximum possible governed engine speed to a value not exceeding the maximum permissible RPM.

(c) The low pitch blade stop in the propeller shall be set or other means used to limit the low pitch position, so as

not to exceed 103% of the maximum permissible propeller shaft RPM under the following conditions:

(1) Propeller blades at the low pitch limit and governor inoperative.

(2) Engine operating at take-off manifold pressure with the airplane stationary under standard atmospheric conditions.

§ 04.4112 *Propeller clearance*—(a) *Ground clearance.* (1) Seven inches (for airplanes equipped with nose wheel type landing gears) or nine inches (for airplanes equipped with tail wheel type landing gears) with the landing gear statically deflected and the airplane in the level, normal take-off, or taxiing attitude, whichever is most critical.

(2) In addition to (1) above, there shall be positive clearance between the propeller and the ground when, with the airplane in the level take-off attitude, the critical tire is completed deflated and the corresponding landing gear strut is completely bottomed.

(b) *Water clearance.* A minimum clearance of 18 inches shall be provided unless compliance with § 04.144 can be demonstrated.

(c) *Structural clearance.* (1) One inch radial clearance between the blade tips and the airplane structure, or whatever additional radial clearance is necessary to preclude harmful vibration of the propeller or airplane.

(2) One-half inch longitudinal clearance between the propeller blades or cuffs and stationary portions of the airplane. Adequate positive clearance shall be provided between other rotating portions of the propeller or spinner and stationary portions of the airplane.

§ 04.4113 *Propeller de-icing provisions.* Airplanes intended for operation under atmospheric conditions conducive to the formation of propeller ice shall be provided with means for the prevention and removal of such ice accumulations.

§ 04.42 *Fuel system.* The fuel system shall be constructed and arranged in a manner to assure the provision of fuel to each engine at a flow rate and pressure which have been established for proper engine functioning under all normal conditions of operation including all maneuvers for which the airplane is intended.

§ 04.421 *Fuel system arrangement.* Fuel systems shall be so arranged that any one fuel pump cannot draw fuel from more than one tank at a time unless means are provided to prevent introducing air into the system.

§ 04.4210 *Fuel system independence.* The fuel system shall be arranged to permit operation in such a manner that the failure of any one component will not result in the irrecoverable loss of the power of more than one engine. A separate fuel tank need not be provided for each engine to show compliance with this requirement if the Administrator finds that the fuel system incorporates features which provide equivalent safety.

§ 04.4211 *Pressure cross feed arrangements.* Pressure cross feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel and fume proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 04.422 *Fuel system operation.*

§ 04.4220 *Fuel flow rate.* The ability of the fuel system to provide the required fuel flow rate shall be demonstrated when the airplane is in the attitude which represents the most adverse condition from the standpoint of fuel feed which the airplane is designed to attain. At least the following shall be considered in this regard:

(a) The normal ground attitude.

(b) Climb with take-off flaps (landing weight) and gear up, using take-off power, at speed V_2, as determined in § 04.1220 (b), at landing weight.

(c) Level flight at maximum continuous power or the power required for level flight at V_c, whichever is less.

(d) The attitude of glide at a speed of 1.3 V_{s_0}.

During this test, fuel shall be delivered to the engine at a pressure not less than the minimum established for proper engine operation. The quantity of fuel in the tank being tested shall not exceed the amount established as the unusable fuel supply for that tank (as determined by demonstration of compliance with the provisions of § 04.4221, (see also §§ 04.423 and 04.5222) plus whatever minimum quantity of fuel it may be necessary to add for the purpose of conducting the flow test. If a fuel flowmeter is provided, the meter shall be blocked during the flow test and the fuel shall flow through the meter by-pass.

§ 04.42200 *Fuel flow rate for pump systems.* The fuel flow rate for pump systems (main and reserve supply) shall be 0.9 pounds per hour for each take-off horsepower or 125% of the actual take-off fuel consumption of the engine, whichever is greater. This flow rate shall be applicable to both the primary engine-driven pump and to emergency pumps and shall be available when the pump is running at the speed at which it would normally be operating during take-off. In the case of hand operated pumps, this speed shall be considered to be not more than 60 complete cycles (120 single strokes) per minute.

§ 04.42201 *Fuel flow rate for transfer systems.* The provisions of § 04.42200 shall also apply to transfer systems with the exception that the required fuel flow rate for the engine or engines involved shall be established upon the basis of maximum continuous power and speed instead of take-off power and speed.

§ 04.4221 *Determination of unusable fuel supply and fuel system operation on low fuel.* (a) The unusable fuel supply for each tank, used for take-off and landing, shall be established as not less than the quantity at which the first evidence of malfunctioning occurs under conditions specified below. (See § 04.423.) Upon presentation of the airplane for test, the applicant shall stipulate the quantity of fuel with which he wishes to demonstrate compliance with this provision and shall also indicate which of the following conditions is most likely to be critical from the standpoint of establishing the unusable fuel supply. He shall also indicate the order in which the other conditions may be critical from this standpoint.

(1) Level flight at maximum continuous power or the power required for level flight at V_c, whichever is less.

(2) Climb with take-off flaps (landing weight) and gear up, using take-off power at speed V_2, as determined in § 04.1220 (b), at landing weight.

(3) Rapid application of maximum continuous power and subsequent transition to climb at speed V_2 as in (2), with retraction of flaps and gear from a power-off glide at $1.3V_{s_0}$ with flaps and gear down, at minimum weight with sufficient fuel for demonstration.

(b) If an engine can be supplied with fuel from more than one tank, it shall be possible to regain the full fuel pressure of that engine in not more than 20 seconds after switching to any full tank after engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed. Compliance with this provision shall be demonstrated in level flight.

(c) The unusable fuel supply for all tanks other than those used for take-off and landing shall be established as not less than the quantity at which the first evidence of malfunctioning occurs under the conditions specified in § 04.4221 (a) (1). This may be a ground test.

§ 04.4222 *Fuel system hot weather operation.* There shall be no evidence of vapor lock or other malfunctioning when the airplane is operated with fuel at a temperature of not less than 110° F. and is climbed, at a climb speed not to exceed that which will permit compliance with the climb requirement specified in § 04.1230, to the altitude at which the one-engine inoperative best rate of climb, expressed in feet per minute, is not more than $0.02\ V_{s_0}^2$ for airplanes with a maximum take-off weight of 40,000 lbs. or less, $0.04\ V_{s_0}^2$ for airplanes with a maximum take-off weight of 60,000 lbs. or more with a linear variation between 40,000 lbs. and 60,000 lbs. when climbing at the weight corresponding to operation with full fuel tanks, minimum crew, and only that ballast which may be necessary to maintain the center of gravity limits for which the airplane is to be certificated. Demonstration of compliance with this provision shall be accomplished either in flight or by means of a ground installation which closely simulates conditions in flight. In case of a flight demonstration conducted in cold weather, the Administrator may request that fuel

tank surfaces, fuel lines, and other fuel system parts which may be subjected to cooling action from cold air, be suitably insulated to simulate, in so far as practicable, flight in hot weather.

§ 04.4223 *Flow between interconnected tanks.* In the case of systems with tanks whose outlets are interconnected, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent when the airplane is operated as specified in § 04.4221 (a) and the tanks are full.

§ 04.423 *Fuel tanks.* Fuel tanks shall be capable of withstanding without failure any vibration, inertia, fluid, and structural loads to which they may be subjected in operation. Flexible fuel tank liners shall be of an acceptable type or proven suitable for the particular application. The fuel tanks, as installed, shall be designed to withstand a minimum internal pressure of 3.5 psi. Integral type fuel tanks shall be provided with adequate facilities for the inspection and repair of the tank interior. The total usuable capacity of the fuel tanks shall not be less than 0.15 gallons for each maximum continuous horsepower for which the airplane is certificated. The unusable capacity shall be considered to be the minimum quantity of fuel that will permit compliance with the provisions of § 04.4221. The fuel quantity gauge shall be adjusted to account for the unusable fuel supply as specified in § 04.5222. The weight of the unusable fuel supply shall be included in the empty weight of the airplane.

§ 04.4230 *Fuel tank tests.* (a) Fuel tanks shall be capable of withstanding the following pressure tests without failure or leakage. These pressures may be applied in a manner simulating the actual pressure distribution in service.

(1) Conventional metal tanks and non-metallic tanks whose walls are not supported by the airplane structure: A pressure of 3.5 psi, or the pressure developed during the maximum ultimate acceleration of the airplane with a full tank, whichever is greater.

(2) Integral tanks: A minimum pressure of 3.5 psi shall be used unless the pressure developed during the maximum limit acceleration of the airplane with a full tank exceeds this amount, in which case a hydrostatic head, or equivalent test, shall be applied to duplicate the acceleration loads in so far as possible, but need not exceed 3.5 psi on surfaces not exposed to the acceleration loading.

(3) Nonmetallic tanks whose walls are supported by airplane structure shall be tested to a pressure of 3.5 psi when mounted in the airplane structure.

(b) Tanks with large unsupported or unstiffened flat areas, shall be capable of withstanding the following tests, or other suitable tests, without leakage or failure. The complete tank assembly, together with its supports, shall be subjected to a vibration test when mounted in a manner simulating the actual installation. The tank assembly shall be vibrated for 25 hours at an amplitude of not less than 1/32 of an inch while filled two-thirds full of water. The frequency of vibration shall be 90% of the maximum continuous rated speed of the engine unless some other frequency within the normal operating range of speeds of the engine is more critical, in which case the latter speed shall be employed and the time of test shall be adjusted to accomplish the same number of vibration cycles. In conjunction with the vibration test, the tank assembly shall be rocked through an angle of 15° on either side of the horizontal (30° total) about an axis parallel to the axis of the fuselage. The assembly shall be rocked at the rate of 16 to 20 complete cycles per minute.

(c) In case of tanks with nonmetallic liners, a specimen liner of the same basic construction as that to be used in the airplane shall, when installed in a suitable representative test tank, satisfactorily withstand the slosh test in (b) with fuel at a temperature of 110° F.

§ 04.4231 *Fuel tank installation.* (a) The method of support for fuel tanks shall not be such as to concentrate loads on unsupported tank surfaces resulting from the weight of the fuel in the tank. Pads shall be provided to prevent chafing between the tank and its supports. Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fluids. If flexible tank liners are employed, they shall be so supported that the liner is not required to withstand fluid loads. Interior surfaces of compartments for such liners shall be smooth and free of projections which may cause wear of the liner unless provisions are made for protection of the liner at such points or unless the construction of the liner itself provides such protection.

(b) Spaces adjacent to the surfaces of the tank shall be ventilated consistent with the size of the compartment to avoid fume accumulation in the case of minor leakage, or if the tank is in a sealed compartment the ventilation may be limited to that provided by drain holes of sufficient size to prevent excessive pressure resulting from altitude changes.

(c) Fuel tanks shall not be located on the engine side of the firewall. Not less than ½ of an inch of clear air space shall be provided between the fuel tank and the firewall. No portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume and fuel proof enclosures.

§ 04.4232 *Fuel tank construction.*

§ 04.42320 *Fuel tank expansion space.* Fuel tanks shall be provided with an expansion space of not less than 2% of the tank capacity. It shall not be possible inadvertently to fill the fuel tank expansion space when the airplane is in the normal ground attitude.

§ 04.42321 *Fuel tank sump.* (a) Each tank shall be provided with a sump having a capacity of not less than either 0.25% of the tank capacity or 1/16 of a gallon, whichever is greater.

(b) The fuel tank sump capacity specified above shall be effective with the airplane in the normal ground attitude. The fuel tank shall be constructed to permit drainage of any hazardous quantity of water from all portions of the tank to the sump when the airplane is in the ground attitude.

(c) Fuel tank sumps shall be provided with a drain to permit complete drainage of the sump on the ground. The drain shall discharge clear of all portions of the airplane and shall be provided with means for positively or automatically locking the drain in the closed position. The drain shall be readily accessible.

(d) An additional drain may be provided, if necessary, for tank drainage.

§ 04.42322 *Fuel tank filler connection.* The fuel tank filler connections shall be marked as specified in § 04.6121. Provision shall be made to prevent the entrance of fuel into the fuel tank compartment or any portions of the airplane other than the tank itself. Recessed fuel filler connections which retain any appreciable quantity of fuel shall be drained and the drain shall discharge clear of all portions of the airplane. The filler cap shall provide a fuel tight seal.

§ 04.42323 *Fuel tank vents and carburetor vapor vents.* (a) Fuel tanks shall be vented from the top portion of the expansion space in such a manner that the tank is adequately vented under all normal flight conditions. Vent outlets shall be so located and constructed as to prevent the possibility of their being obstructed by ice or other foreign matter. The vent shall be so constructed as to preclude the possibility of syphoning fuel during normal operation. The vent shall be of sufficient size to permit the rapid relief of excessive differences of pressure between the interior and exterior of the tank. Air spaces of tanks whose outlets are interconnected shall also be interconnected. There shall be no points in the vent line where moisture may accumulate with the airplane in either the ground or level flight attitude unless proper drainage is provided. Vents and drainage shall not terminate at points where the discharge of fuel from the vent outlet will constitute a fire hazard or from which fumes may enter personnel compartments.

(b) Carburetors which are provided with vapor elimination connections shall be provided with a vent line which will lead vapors back to one of the fuel tanks. Satisfactory provisions shall be incorporated in the vent system to avoid stoppage by ice. If more than one fuel tank is provided and it is necessary to use the tanks in a definite sequence for any reason, the vapor vent return line shall lead back to the fuel tank used for takeoff and landing.

§ 04.42324 *Fuel tank outlet.* The fuel tank outlet shall be provided with a strainer of from 8 to 12 meshes per inch, or a suitable strainer on the booster pump. The clear area of the fuel tank outlet strainer shall not be less than 5 times the area of the fuel tank outlet line. The diameter of the strainer shall not be less than the diameter of the fuel tank outlet. Finger strainers shall be installed in a manner to be accessible for inspection and cleaning.

§ 04.424 *Fuel pump and pump installation.* (a) If fuel pumps are provided to maintain a supply of fuel to the engine, at least one pump for engine engine shall be driven by the engine. Fuel pumps shall be adequate to meet the flow requirements of the applicable portions of § 04.4220 and its related sections. Provision shall be made to maintain the fuel pressure at the inlet to the carburetor within the range of limits established for proper engine operation. When necessary for the maintenance of the proper fuel delivery pressure, a connection shall be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection. In such cases, to avoid erroneous fuel pressure reading, the gauge balance lines should be independently connected to the carburetor inlet pressure.

(b) Unless equivalent provisions are made to permit the system to continue to supply fuel to all engines in case of the failure of any positive displacement fuel system pump, the pump itself shall incorporate in integral by-pass. Engine fuel injection pumps which are certificated as an integral part of the engine need not incorporate a by-pass.

(c) Emergency fuel pumps shall be provided to permit supplying all engines with fuel in case of the failure of any one fuel system pump, unless the engine-driven pump has been approved with the engine and suitable precautions are taken to avoid vapor lock and pump cavitation. If the only pump used in the system is an engine fuel injection pump which has been certificated as an integral part of the engine, an emergency pump need not be provided. Emergency pumps shall be capable of complying with the same flow requirements as are prescribed for the main pumps. Hand emergency pumps shall not require excessive effort for their continued operation at the rate of 60 complete cycles (120 single strokes) per minute. Emergency pumps shall be available for immediate use in case of the failure of any other pump.

If the engine-driven pumps are capable of maintaining flight up to 10,000 feet altitude and with 110° F. fuel without the aid of auxiliary pumps, the auxiliary pumps may be considered as emergency pumps.

§ 04.425 *Fuel system lines and fittings.* Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 04.4250 *Fire resistant fuel lines and fittings.* Metal fuel lines, except for flexible portions thereof, located on the engine side of the firewall shall be constructed of corrosion resistant steel or material of equivalent fire resistance. Flexible connections in such lines shall employ fire-resistant hose with factory fixed ends, detachable ends, or heat and corrosion resistant hose clamps. Fire-resistant hose may be used in lieu of metal lines. Aluminum alloy fittings and accessories may be used if adequately fire resistant.

§ 04.4251 *Fuel valves.* (a) Means shall be provided to permit the flight personnel to shut off rapidly the flow of fuel to any engine individually in flight. Valves provided for this purpose shall be located not closer to the engine than the remote side of the firewall. It shall be demonstrated that no appreciable amount of fuel will drain into the engine compartment after the valve has been closed.

(b) Shut-off valves shall be so constructed that it is possible for the flight personnel to reopen the valves after they have once been closed. (See § 04.4804 for fuel valve controls.)

(c) Valves shall be provided with positive stops or suitable index provisions in the on and off positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 04.4252 *Fuel strainer.* A fuel strainer shall be provided between the fuel tank outlet and the carburetor inlet. If an engine driven fuel pump is provided, the strainer shall be located between the tank outlet and the engine driven pump inlet. The strainer shall be accessible for drainage and cleaning, and the strainer screen shall be easily removable. The strainer shall be mounted in a manner that does not cause its weight to be supported by the connecting lines or by the inlet or outlet connections of the strainer itself.

§ 04.426 *Fuel system drains.* Drainage of the system shall be accomplished by fuel strainer drains and other drains as provided in § 04.42321. Drains shall discharge clear of all portions of the airplane and shall be provided with means for positively or automatically locking the drain in the closed position. All fuel system drains shall be accessible. If drainage of the strainer permits compliance with the foregoing, no additional drains need be provided unless a hazardous quantity of water or sediment may be trapped.

§ 04.427 *Fuel system instruments.* (See § 04.51 (b) and §§ 04.522 to 04.5223, inclusive.)

§ 04.428 *Fuel jettisoning system.* (a) If the maximum take-off weight for which the airplane is certificated exceeds 105% of its maximum landing weight, provision shall be made to permit the jettisoning of fuel from the maximum take-off to the maximum landing weight at a rate per minute of 1% of the maximum take-off weight, when the airplane is flown in the configurations specified below, except that the time required to jettison the fuel need not in any case be less than 10 minutes. The fuel jettisoning system shall permit the safe discharge of fuel clear of all portions of the airplane under the following conditions of flight at the maximum take-off weight and with flaps and gear up:

(1) Power-off glide at a speed of $1.4V_{s_1}$.

(2) Climb at the one-engine inoperative speed with the critical engines on one side of the airplane inoperative, the other engines at maximum continuous power.

(3) Level flight at a speed of $1.4V_{s_1}$, if found necessary from tests (1) and (2).

Unless it is demonstrated that flap position does not adversely affect fuel jettisoning, a placard shall be provided adjacent to the jettisoning control to warn flight personnel against jettisoning fuel while the flaps are lowered. A notation to this effect shall also be included in the airplane operating manual.

No fire hazard shall exist during, or as the result of, the jettisoning operation. Neither fumes nor fuel shall enter any portion of the airplane and the jettisoning operation shall not adversely affect control. Compliance with these provisions shall be demonstrated in flight. It shall not be possible to jettison fuel in the tanks used for take-off and landing below the level providing 45 minutes flight at 75% maximum continuous power, except that all fuel may be jettisoned where an auxiliary control is provided independent of the main jettisoning control.

(b) The fuel jettisoning valve shall be so constructed as to permit the flight personnel to close the valve during any portion of the jettisoning operation. (See § 04.4804 (b) for fuel jettisoning system controls.)

§ 04.43 *Oil system.* Each engine shall be provided with an independent oil system capable of supplying the engine with an ample quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. The oil capacity of the system shall not be less than one gallon for every 30 gallons of fuel capacity unless provisions are made for transferring oil between tanks in flight or unless a reserve oil supply, which can be fed to any tank during flight, is provided. If either a reserve oil system or an oil transfer system is provided, the total oil capacity need not exceed one gallon for each 40 gallons of fuel capacity. Lower oil fuel ratios may be used providing they can be substantiated by oil consumption data.

§ 04.430 *Oil cooling.* Demonstration of the ability of the oil cooling provisions to maintain the oil inlet temperature to the engine at or below the maximum established value shall be accomplished in accordance with § 04.440 and its related sections.

§ 04.431 *Oil tanks.* Oil tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they may be subjected in operation. Flexible oil tank liners shall be of an acceptable type or proven suitable for the particular application.

§ 04.4310 *Oil tank tests.* Oil tank tests shall be the same as fuel tank tests (See § 04.4230) except as follows:

(a) The 3½ psi pressure specified in § 04.4230 shall be 5 psi.

(b) In the case of tanks with non-metallic liners, the test fluid shall be oil at a temperature of 250° F rather than fuel as specified in § 04.4230 (c).

§ 04.4311 *Oil tank installation.* Oil tank installations shall comply with the provisions of § 04.4231 except that oil tanks may be located on the engine side of the firewall.

§ 04.4312 *Oil tank construction.*

§ 04.43120 *Oil tank expansion space.* Oil tanks shall be provided with an expansion space of not less than either 10% of the tank capacity or 0.5 gallon, whichever is greater. Reserve oil tanks which have no direct connection to any engine shall be provided with an expansion space which need not exceed, but shall not be less than, 2% of the tank capacity. It shall not be possible inadvertently to fill the oil tank expansion space when the airplane is in the normal ground attitude.

§ 04.43121 *Oil tank filler connection.* Oil tank filler connections shall be marked as specified in § 04.6121. Recessed oil filler openings which retain any appreciable quantity of oil shall be drained and the drain shall discharge clear of all portions of the airplane. The filler cap shall provide an oil tight seal.

§ 04.43122 *Oil tank vent.* Oil tanks shall be vented from the top portion of the expansion space in such a manner that the tank is adequately vented under all normal flight conditions. Oil tank vents shall be so arranged that condensed water vapor that may freeze and obstruct the line cannot accumulate at any point.

§ 04.43123 *Oil tank outlet.* The oil tank outlet shall not be enclosed or covered by any screen or other guard that may impede the flow of oil. (See also § 04.436.)

§ 04.432 *Oil system lines and fittings.* Oil lines shall comply with the provisions of § 04.425.

§ 04.4320 *Fire resistant oil lines and fittings.* Metal oil lines, except for flexible portions thereof, located on the engine side of the firewall shall be constructed of corrosion resistant steel or material of equivalent fire resistance. Flexible connections in such lines shall employ fire resistant hose with factory fixed ends, detachable ends, or heat and corrosion resistant hose clamps. Fire resistant hose may be used in lieu of metal lines. Aluminum alloy fittings and accessories may be used if fire resistant.

§ 04.4321 *Oil valves.* Means shall be provided by which the flow of oil to each engine can be shut off individually in flight. If the oil tank is located outside the engine compartment, the valve shall also be located on the same side of the firewall and as close to this bulkhead as possible. If the oil tank is located on the engine side of the firewall, the valve shall be mounted on the tank or connected to the tank with a solid steel line. Shut-off valves shall be so constructed that it is possible for the flight personnel to reopen the valves after they have once been closed. The controls for shut-off valves located forward of the firewall shall be of fire resistant construction.

Valves shall be provided with positive stops in the on and off positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the tubing attached to the valve. Closing of the oil shut-off valve shall not prevent feathering the propeller.

§ 04.4322 *Oil radiator.* Oil radiators shall be capable of withstanding without failure any vibration, inertia, and oil pressure loads to which they may normally be subjected.

Oil radiator air ducts shall be so located that flames issuing from normal openings of the engine nacelle in case of fire shall not impinge directly upon the radiator.

§ 04.4323 *Oil filters.* If the airplane is equipped with an oil filter, the filter shall be constructed or installed in such a manner that complete blocking of the flow through the filter element will not prevent the safe operation of the engine oil supply system.

§ 04.433 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for positive or automatic locking in the closed position.

§ 04.434 *Engine breather line.* Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system.

§ 04.435 *Oil system instruments.* See § 04.51, §§ 04.522 to § 04.5221, inclusive, and § 04.5224.

§ 04.436 *Propeller feathering system.* If the propeller feathering system is dependent upon the use of the engine oil supply, provision shall be made to trap a quantity of oil in the tank in case the supply becomes depleted due to failure of any portion of the lubricating system other than the tank itself. The quantity of oil so trapped shall be sufficient to accomplish the feathering operation and shall be available only to the feathering pump. The ability of the system to accomplish feathering when the supply of oil has fallen to the above level shall be demonstrated. This propeller feathering demonstration may be made on the ground if desired.

§ 04.44 *Cooling.* The power plant cooling provisions shall be capable of maintaining the temperatures of major power plant components, engine fluids, and the carburetor intake air within the established safe values under all conditions of ground and flight operation.

§ 04.440 *Cooling tests.* Compliance with the provisions of § 04.44 shall be demonstrated under critical ground, water, and flight operating conditions. If the tests are conducted under conditions that deviate from the highest anticipated summer air temperature (see § 04.400), the recorded power plant temperatures shall be corrected in accordance with the provisions of §§ 04.4401 and 04.4402. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engines involved and the mixture settings shall be those used in normal operation. The test procedures shall be as outlined in §§ 04.4403 to § 04.4405, inclusive.

§ 04.4400 *Maximum anticipated summer air temperatures.* The maximum anticipated summer air temperature (hot day condition) shall be considered to be 100° F. at sea level and to decrease from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −67° is reached above which altitude the temperature will be held constant at −67° F.

§ 04.4401 *Correction factor for cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures.* These temperatures shall be corrected by adding the difference between the maximum anticipated summer air temperature and the temperature of the ambient air at the time of the first occurrence of maximum head, air, oil, or coolant temperature recorded during the cooling test. A correction factor other than 1.0 may be employed if it can be demonstrated to be applicable.

§ 04.4402 *Correction factors for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated summer air temperature and the temperature of the ambient air at the time of the first ocurrence of the maximum cylinder barrel temperature recorded during the cooling test. A correction factor other than 0.7 may be employed if it can be demonstrated to be applicable.

§ 04.4403 *Climb cooling test procedure.* The climb cooling test shall be conducted with the critical engine inoperative and its corresponding propeller feathered. All remaining engines shall be operated at their maximum continuous power or at full throttle when above the critical altitude. After stabilizing temperatures in flight, the climb shall be started at or below the lower of the two following altitudes and shall be continued until at least 5 minutes after the occurrence of the highest temperature recorded:

(a) 1000 feet below the engine critical altitude.

(b) 1000 feet below the altitude at which the rate of climb, as established in § 04.1231 (b), at the maximum take-off weight, is equal to at least 0.02 V_{so}^2 for airplanes with a maximum take-off weight of 40,000 lbs. or less, 0.04 V_{so}^2 for airplanes with a maximum take-off weight of 60,000 lbs. or more, with a linear variation between 40,000 lbs. and 60,000 lbs.

The climb shall be conducted at an airspeed which does not exceed the speed used in establishing the rate of climb required in § 04.1231 (b). The climb

cooling test may be conducted as a continuation of the take-off cooling test of § 04.4404.

§ 04.4404 *Take-off cooling test procedure.* If the time for which take-off power is used in establishing the take-off path of the airplane exceeds 2 minutes, the test of § 04.4403 shall be supplemented by demonstration of adequate cooling during take-off and subsequent climb with one engine inoperative. The take-off cooling test shall be conducted by stabilizing temperatures during level flight at 75% of maximum continuous power (all engines operating) with normal cowl flap and shutter settings for the conditions. After all temperatures have stabilized, the climb shall be started at the lowest practicable altitude and shall be conducted with one engine inoperative and the corresponding propeller feathered. The remaining engines shall be operated at take-off RPM and power (or full throttle when above the take-off critical altitude) for the same time interval as take-off power is used during determination of the take-off flight path (see § 04.1222). The power shall then be reduced to the maximum continuous power and the climb continued until at least 5 minutes after the occurrence of the highest temperature recorded. The speed used during take-off power operation shall not exceed the speed used during the determination of the take-off flight path.

§ 04.4405 *Cooling test procedure for flying boat water operation.* In the case of flying boats, adequate cooling shall be demonstrated during taxiing down wind for 10 minutes at 5 MPH above the step speed.

§ 04.441 *Liquid cooling systems.* Each liquid cooled engine shall be provided with an independent cooling system. The coolant system shall be so arranged that no air or vapor can be trapped in any portion of the system other than the expansion tank, either during filling or during operation.

§ 04.4410 *Coolant tank.* A coolant tank shall be provided. The tank shall have a usable coolant capacity of not less than one gallon. Coolant tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they may be subjected in operation. Coolant tanks shall be provided with an expansion space of not less than 10% of the total coolant system capacity. It shall not be possible inadvertently to fill the expansion space with the airplane in the normal ground attitude.

§ 04.44100 *Coolant tank tests.* Coolant tank tests shall be the same as fuel tank tests (See § 04.4230) except as follows:

(a) The 3.5 psi pressure test of § 04.4230 (a) shall be replaced by either the sum of the pressure developed during the maximum ultimate acceleration with a full tank plus the maximum working pressure of the system, or 1.25 times the maximum working pressure of the system, whichever is greater.

(b) In the case of tanks with non-metallic liners, the test fluid shall be coolant at operation temperature rather than fuel as specified in § 04.4230 (c).

§ 04.44101 *Coolant tank installation.* Coolant tanks shall be supported in such a manner that the tank loads will be distributed over a large portion of the tank surface. Pads shall be provided to prevent chafing between the tank and the support. Material used for padding shall be non-absorbent or shall be treated to prevent the absorption of inflammable fluids.

§ 04.44102 *Coolant tank filler connection.* Coolant tank filler connections shall be marked as specified in § 04.6121. Recessed coolant filler connections which retain any appreciable quantity of coolant shall be drained and the drain shall discharge clear of all portions of the airplane.

§ 04.4411 *Coolant lines and fittings.* Coolant lines shall comply with the provisions of § 04.425.

§ 04.44110 *Fire resistant coolant lines and fittings.* If the coolant employed is inflammable, coolant lines located on the engine side of the firewall shall be constructed of corrosion resistant steel or material of equivalent fire resistance. Flexible connections in such lines shall employ fire resistant hose with factory fixed ends, detachable ends, or heat and corrosion resistant hose clamps. Fire resistant hose may be used in lieu of metal lines. Aluminum alloy fittings and accessories may be used if adequately fire resistant.

§ 04.44111 *Coolant radiators.* Coolant radiators shall be capable of withstanding without failure any vibration, inertia, and coolant pressure loads to which they may be normally subjected. Radiators shall be supported in a manner that will permit expansion due to operating temperatures and that will prevent the transmittal of harmful vibration to the radiator. If the coolant employed is inflammable the air intake duct to the coolant radiator shall be so located that flames issuing from normal openings of the engine nacelle, in case of fire, shall not impinge directly upon the radiator.

§ 04.4412 *Coolant system drains.* One or more drains shall be provided to permit drainage of the entire coolant system, including the coolant tank, radiator, and the engine, when the airplane is in the normal ground attitude. Drains shall discharge clear of all portions of the airplane and shall be provided with means for positively locking the drain in the closed position. Coolant system drains shall be accessible.

§ 04.4413 *Coolant system instruments.* See § 04.51, § 04.522 to § 04.5221, inclusive, and § 04.5224.

§ 04.45 *Induction system.* The engine air induction system shall permit supplying an adequate quantity of air to the engine under all conditions of operation. The induction system shall provide air in such a manner as to permit acceptable fuel metering and mixture distribution with the induction system valves in any position. Each engine shall be provided with an alternate air source unless equivalent safety can be demonstrated by other means. Air intakes may open within the cowling only if that portion of the cowling is isolated from the engine accessory section by means of a fire resistant diaphragm, or if provision is made to prevent the emergence of backfire flames. Alternate air intakes shall be located in a sheltered position.

§ 04.450 *Induction system de-icing and anti-icing provisions.* The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations in accordance with the following provisions unless it can be demonstrated that equivalent safety can be obtained by a lower heat rise or by other means. It shall be demonstrated that compliance with the provisions outlined in the following paragraphs can be accomplished when the airplane is operating in air at a temperature of 30° F. when the air is free of visible moisture.

(a) Airplanes equipped with altitude engines employing conventional venturi carburetors shall be provided with a preheater capable of providing a heat rise of 120° F. when the engine is operating at 60% of its maximum continuous power.

(b) Airplanes equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a preheater capable of providing a heat rise of 100° F. when the engine is operating at 60% of its maximum continuous power.

§ 04.451 *Carburetor air preheater design.* Means shall be provided to assure adequate ventilation of the carburetor air preheater when the engine is being operated on cold air. The preheater shall be constructed in such a manner as to permit inspection of exhaust manifold parts which it surrounds and also to permit inspection of critical portions of the preheater itself.

§ 04.452 *Induction system ducts.* Induction system ducts ahead of the first stage of the supercharger shall be provided with drains which will prevent the hazardous accumulation of fuel or moisture in the ground attitude. Sufficient strength shall be incorporated in the ducts to prevent induction system failures resulting from normal backfire conditions. Drains shall not discharge in a location that will constitute a fire hazard. Ducts which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility.

§ 04.453 *Induction system screens.* If induction system screens are employed, they shall be located upstream from the carburetor. It shall not be possible for fuel to impinge upon the screen. Screens shall not be located in portions of the induction system which constitute the only passage through which air may reach the engine unless the screen is so located that it can be de-iced. De-icing of screens by means of alcohol shall not be considered acceptable.

§ 04.454 *Carburetor air cooling.* Installations employing two stage superchargers shall be provided with means to maintain the air temperature at the inlet to the carburetor at or below the maximum established value. Demonstration of compliance with this provision shall

be accomplished in accordance with § 04.-440 and its related sections.

§ 04.4540 *Inter-coolers and after-coolers.* Inter-coolers and after-coolers shall be capable of withstanding without failure any vibration, inertia, and air pressure loads to which they may be subjected in operation.

§ 04.46 *Exhaust system.* The exhaust system shall be constructed and arranged in such a manner as to assure the safe disposal of exhaust gases without the existence of a hazard of fire or carbon monoxide contamination of air in personnel compartments.

Unless suitable precautions are taken, exhaust system parts shall not be located in hazardous proximity to portions of any systems carrying inflammable fluids or vapors nor shall they be located under portions of such systems which may be subject to leakage. All airplane components upon which hot exhaust gases may impinge, or which may be subjected to high temperatures due to proximity to exhaust system parts, shall be constructed of heat resistant materials. All exhaust system components shall be separated from adjacent portions of the airplane, which are outside the engine compartment, by means of fire resistant shields.

Exhaust gases shall not be discharged at a location that will cause a glare seriously affecting pilot visibility at night, nor shall they discharge within dangerous proximity of any fuel or oil system drains.

All exhaust system components shall be ventilated to prevent the existence of points of excessively high temperature.

§ 04.460 *Exhaust piping.* Exhaust piping shall be constructed of material suitably resistant to heat and corrosion and shall incorporate provisions to prevent failure due to expansion when heated to operating temperatures. Exhaust pipes shall be supported in a manner adequate to withstand all vibration and inertia loads to which they may be subjected in operation. Portions of the exhaust piping, which are connected to components between which relative motion may exist, shall incorporate provisions for flexibility.

§ 04.461 *Exhaust heat exchangers.* Exhaust heat exchangers shall be constructed and installed in such a manner as to assure their ability to withstand without failure all vibration, inertia, and other loads to which they may normally be subjected. Heat exchangers shall be constructed of materials that are suitable for continued operation at high temperatures and that are resistant to corrosion due to products contained in exhaust gases.

Provision shall be made for the inspection of all critical portions of exhaust heat exchangers, particularly if a welded construction is employed. Heat exchangers shall be adequately cooled whenever they are subject to contact with exhaust gases.

§ 04.4610 *Exhaust heating of ventilating air.* If an exhaust heat exchanger is used for heating ventilating air, a secondary heat exchanger shall be provided between the primary exhaust gas heat exchanger and the ventilating air system, unless it can be demonstrated that sufficient safety can be obtained by other means.

§ 04.462 *Exhaust driven turbo-superchargers.* Exhaust driven turbines shall be of an acceptable type or proven suitable for the particular application and shall be installed and supported in a manner to assure their safe operation between normal inspection or overhaul periods. Provisions for expansion and flexibility shall be made between exhaust conduits and the turbine. Provision shall also be made for cooling of turbine parts whose temperature is critical and for lubrication of the turbine. Means shall be provided for automatically limiting the turbine speed to its maximum allowable overspeed value.

§ 04.47 *Firewall and cowling.*

§ 04.470 *Firewalls.* All engines and auxiliary power plants which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire resistant bulkheads unless they are located in a nacelle that is remote from the remainder of the airplane and contains no fuel tanks.

§ 04.4700 *Firewall construction.* The firewall shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the firewall shall be sealed with close fitting fire resistant grommets, bushings, or firewall fittings.

Firewalls shall be constructed of material capable of withstanding a flame temperature of 2000° F. for 15 minutes without flame penetration and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inches thick.

(b) Low carbon steel, suitably protected against corrosion, 0.018 inches thick.

§ 04.471 *Cowling.* Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard.

Cowling, unless otherwise specified by these regulations, shall be constructed of material at least equivalent to present aluminum alloy construction in fire resistance. Portions of cowling which are subjected to high temperatures due to proximity to exhaust system parts or exhaust gas impingement shall be constructed of heat resistant material.

§ 04.472 *Engine accessory section diaphragm.* Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines, to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 04.4700.

§ 04.48 *Power plant controls and accessories.*

§ 04.480 *Power plant controls.* All power plant controls shall comply with the provisions of § 04.38020 with respect to location, grouping, and direction of motion and shall comply with the provisions of § 04.611 with respect to marking. Controls shall be so located that they cannot be inadvertently operated by personnel entering or leaving the airplane, or while the flight personnel are making normal movements in the cockpit. Controls shall maintain any desired position without constant attention by the flight personnel and shall not tend to creep due to control loads or vibration. Flexible controls shall be of an acceptable type or proven suitable for the particular application. Controls shall have adequate strength and rigidity to withstand operating loads without failure or excessive deflection.

§ 04.4800 *Throttle controls.* A separate throttle control shall be provided for each engine. Throttle controls shall afford a positive and immediately responsive means of controlling the engines. Throttle controls shall be grouped and arranged in such a manner as to permit separate control of each engine and also simultaneous control of all engines.

§ 04.4801 *Ignition switches.* Ignition switches shall provide control for each ignition circuit on each engine. Means shall be provided for quickly shutting off all ignition by the grouping of switches or by providing a master ignition control. If a master control is provided, a suitable guard shall be incorporated to prevent its inadvertent operation.

§ 04.4802 *Mixture controls.* If mixture controls are provided, a separate control shall be provided for each engine. The controls shall be grouped and arranged in such a manner as to permit separate control of each engine and also simultaneous control of all engines.

§ 04.4803 *Propeller speed and pitch controls.* (See also § 04.4111 (a).) It shall be possible to control the propellers separately. The controls shall be grouped and arranged in such a manner as to permit control of the propellers separately and together. The controls shall permit ready synchronization of all propellers.

§ 04.48030 *Propeller feathering controls.* A separate control shall be provided for each propeller. Propeller feathering controls shall be provided with means to prevent inadvertent operation. If feathering is accomplished by movement of the normal pitch or speed control lever, provision shall be made to prevent the movement of this control to the feathering position during normal operation.

§ 04.48031 *Propeller reversing controls.* If the propeller blades can be placed in a pitch position which will produce negative thrust, reversing controls shall be so arranged as to prevent inadvertent operation.

§ 04.4804 *Fuel system controls.* (See § 04.4251 (c).) Fuel jettisoning system controls shall be provided with guards to prevent their inadvertent operation. Such controls shall not be located in close proximity to fire extinguisher controls or any other controls intended for operation in order to combat a fire.

§ 04.4805 *Carburetor air reheat controls.* Separate controls shall be provided to regulate the temperature of the carburetor air for each engine.

§ 04.481 *Power plant accessories.* Engine mounted accessories shall be of a type satisfactory for installation on the engine involved and shall utilize the provisions made on the engine for the mounting of such units.

Items of electrical equipment subject to arcing or sparking shall be installed so as to minimize the possibility of their contact with any inflammable fluids or vapors which may be present in a free state.

§ 04.4810 *Engine ignition systems.* (a) Battery ignition systems shall be supplemented with a generator which is automatically made available as an alternate source of electrical energy to permit continued engine operation in the event of the depletion of any battery.

(b) The capacity of batteries and generators shall be sufficient to meet the simultaneous demands of the engine ignition system and the greatest demands of any airplane electrical system components which may draw electrical energy from the same source. Consideration shall be given to the condition of an inoperative generator and to the condition of a completely depleted battery when the generator is running at its normal operating speed. If only one battery is provided, consideration shall also be given to the condition in which the battery is completely depleted and the generator is operating at idling speed.

(c) Means shall be provided to warn the appropriate flight personnel if malfunctioning of any part of the electrical system is causing the continuous discharging of a battery that is necessary for engine ignition. (See § 04.4801 for ignition switches.)

§ 04.49 *Power plant fire protection.* Unless it can be demonstrated that equivalent protection against destruction of the airplane in case of fire is provided by the use of fire resistant materials in the nacelle and other components that would be subjected to flame, fire extinguishers shall be provided. These shall be provided for the accessory sections, installations where no isolation is provided between the engine and accessory compartments, auxiliary power plants, fuel burning heaters, and other combustion equipment. Such regions shall be referred to as designated fire zones.

§ 04.490 *Fire resistant fluid lines.* All lines not heretofore specified which carry inflammable fluids or gases into designated fire zones shall be constructed of corrosion resistant steel or material of equivalent fire resistance. Flexible connections in such lines shall employ fire resistant hose with factory fixed ends, detachable ends, or heat and corrosion resistant hose clamps. Fire resistant hose may be used in lieu of metal lines. Aluminum alloy fittings and accessories may be used if adequately fire resistant. All such lines shall be provided with suitable means to shut off or otherwise prevent the flow of hazardous quantities of inflammable fluids or gases into the designated fire zones. Unless equivalent safety is provided, such means shall not be located within the designated fire zone. Operation of the shut-off means shall not prevent the operation of emergency equipment such as propeller feathering systems and the like.

§ 04.491 *Fire extinguisher systems.* (a) The fire extinguishing system and quantity of agent shall be such as to provide two adequate discharges, each or both of which may be directed to any main engine installation. Individual "one shot" systems may be provided for items such as auxiliary power plants, fuel burning heaters, and other combustion equipment.

(b) If a methyl bromide system is employed, it shall be so arranged that after discharge to any designated fire zone it shall not be possible to trap extinguishing agent in any portion of the system which is not open to the atmosphere through open lines, unless equivalent safety can be demonstrated by other means.

§ 04.4910 *Fire extinguishing agents.* Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentration of fluid or fluid vapors into any personnel compartments either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguisher system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire extinguisher manufacturer or any other party employing satisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 04.4911 *Extinguishing agent container pressure relief.* Extinguisher agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 04.4912 *Extinguishing agent container compartment temperature.* Precautions shall be taken to assure that the extinguishing agent containers are installed in a location where reasonable temperatures can be maintained for effective use of the extinguisher system.

§ 04.4913 *Fire extinguisher system materials.* Fire extinguisher system components located in designated fire zones shall be constructed of stainless steel or materials of equivalent fire resistance, except for such flexible connections as may be required between fixed and moving portions of the airplane. Such flexible connections shall be of fire resistant construction and located so as to minimize the possibility of failure.

§ 04.492 *Fire detector systems.* Quick acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to assure the detection of fire which may occur in such zones.

§ 04.4920 *Fire detectors.* Fire detectors shall be constructed and installed in such a manner as to assure their ability to resist without failure, all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present in potential fire zones.

§ 04.493 *Protection of other airplane components against fire.* All airplane surfaces aft of the nacelle, in the region of one nacelle diameter on either side of the nacelle centerline, shall be constructed of material at least equivalent to present aluminum alloy construction and fire resistance. This provision need not be applied to tail surfaces lying behind nacelles unless the distance between the nacelle and such surfaces is small.

§ 04.5 *Equipment.*

§ 04.50 *General.* The equipment specified in § 04.51 below is the minimum which shall be installed in the airplane. (See also § 04.300.) Such additional equipment as is necessary for a specific type of operation is specified in Part 40 entitled "Air Carrier Operating Certification," Part 41 entitled "Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States," and Part 61 entitled "Scheduled Air Carrier Rules," of this chapter. All equipment essential to the safe operation of the airplane shall comply with the following sections.

§ 04.500 *Functional and installational requirements.* Each item of equipment shall be: (a) Of a type and design satisfactory to perform its intended function, (b) adequately labeled as to its identification, function, or operational limitations, or any combination of these, whichever is applicable, (c) properly installed, in accordance with specified limitations of the equipment, and (d) demonstrated to functions satisfactorily in the airplane. Items of equipment for which type certification is required are outlined in Part 15 of this chapter. Such items, when used in the airplane, shall have been certificated in accordance with the provisions of Part 15 of this chapter (or previous regulations) and such other parts as may be applicable.

§ 04.51 *Required basic equipment.* The following table shows the required basic equipment items necessary for type

and airworthiness certification of the airplane:

(a) *Flight and navigation instruments.* (See § 04.52.)

(1) Airspeed indicating system with heated pitot tube or equivalent means of preventing malfunctioning due to icing. (See §§ 04.5210 and 04.5212.)

(2) Altimeter (sensitive). (See § 04.5212.)

(3) Clock (sweep-second).

(4) Free air temperature indicator.

(5) Gyroscopic bank and pitch indicator (non-upsetting type). (See § 04.5215.)

(6) Gyroscopic rate-of-turn indicator (with bank indicator). (See § 04.5215.)

(7) Gyroscopic direction indicator. (See § 04.5215.)

(8) Magnetic direction indicator. (See § 04.5213.)

(9) Rate-of-climb indicator (vertical speed). (See § 04.5212.)

(b) *Power plant instruments.* (See § 04.52.)

(1) Carburetor air temperature indicator for each engine. (See § 04.5226.)

(2) Coolant temperature indicator for each liquid-cooled engine.

(3) Cylinder head temperature indicator for each air cooled engine. (See § 04.5225.)

(4) Fuel pressure indicator for each pump-fed engine.

(5) For each engine not equipped with an automatic altitude mixture control:

(i) Fuel flowmeter indicator (see § 04.5223) or,

(ii) Fuel mixture indicator.

(6) Fuel quantity indicator for each fuel tank. (See § 04.5222.)

(7) Manifold pressure indicator for each engine.

(8) Oil pressure indicator for each engine.

(9) Oil quantity indicator for each oil tank when a transfer or oil reserve supply system is used. (See § 04.5224.)

(10) Oil temperature indicator for each engine.

(11) Tachometer for each engine.

(12) Fire warning indicators. (See § 04.492.)

(c) *Miscellaneous equipment.* (1) Approved seats for all occupants. (See § 04.3822.)

(2) Certificated safety belts for all occupants.

(3) A master switch arrangement for electrical circuits other than ignition.

(4) Adequate source(s) of electrical energy.

(5) Electrical protective devices.

(6) Radio communication system (two-way).

(7) Radio navigation system.

(8) Windshield wiper or equivalent for each pilot.

(9) Ignition switch for each and all engines. (See § 04.4801.)

(10) Portable fire extinguisher. (See § 04.552.)

§ 04.52 *Instruments; installation.*

§ 04.520 *General.*

§ 04.5200 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and powerplant instruments for use by each pilot shall be easily visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking out and forward along the flight path.

(b) All the required flight instruments shall be conveniently grouped and as nearly as practicable centered about the vertical plane of the pilot's forward vision.

(c) All the required powerplant instruments shall be closely grouped on the instrument panel. Identical powerplant instruments for the several engines shall be so located as to prevent any misleading impression as to the engines to which they relate. Important powerplant instruments shall be easily visible to the appropriate personnel.

§ 04.5201 *Instrument panel vibration characteristics.* The vibration characteristics of the instrument panel shall not be such as to seriously impair the accuracy of the instruments or to damage them.

§ 04.521 *Flight and navigation instruments.*

§ 04.5210 *Airspeed indicating system.* This system shall be so installed that the airspeed indicator shall indicate true airspeed at sea level under standard conditions to within an allowable installational error of not more than plus or minus 3% or 5 mph, whichever is greater, throughout the operating range of the airplane from $1.3V_{s_1}$ (flaps up and down) to V_c. The calibration shall be made while in flight and the method used shall be subject to the approval of the Administrator.

§ 04.5211 *Airspeed indicator marking.* The airspeed indicator shall be marked as specified in § 04.6000.

§ 04.5212 *Static air vent system.* All instruments provided with static air case connections shall be vented to the outside atmosphere through a suitable piping system. This vent(s) shall be so located on the airplane that its orifices will be least affected by air flow variation, moisture, or other foreign matter. The installation shall be such that the system will be air-tight, except for the vent into the atmosphere.

§ 04.5213 *Magnetic direction indicator.* The magnetic direction indicator shall be so installed that its accuracy shall not be excessively affected by the airplane's vibration or magnetic fields of a permanent or transient nature. After the magnetic direction indicator has been compensated, the calibration shall be such that the deviation in level flight does not exceed plus or minus 10° on any heading. A suitable calibration placard shall be provided as specified in § 04.6101.

§ 04.5214 *Automatic pilot system.* If an automatic pilot system is installed, the following shall be applicable:

(a) The actuating (servo) devices shall be of such design that they can, when necessary, be either positively disengaged from operating the control system or be overpowered by the human pilot so as to enable him to maintain satisfactory control of the airplane,

(b) A satisfactory means shall be provided to readily indicate to the pilot the alignment of the actuating device in relation to the control system to which it operates, except when automatic synchronization is provided,

(c) The manually operated control(s) for the system's operation shall be readily accessible to the pilot,

(d) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce loads in the control system and surfaces greater than those for which they were designed.

§ 04.5215 *Gyroscopic indicators (air-driven type).* All air-driven gyroscopic instruments installed shall derive their energy from a suction air pump driven either by an engine or an auxiliary power unit. The following detail requirements shall be applicable:

(a) Two suction air pumps actuated by separate power means shall be provided, either one of which shall be of sufficient capacity to operate, at the service ceiling of the airplane in normal cruising condition, all of the air-driven gyroscopic instruments with which the airplane is equipped.

(b) A suitable means shall be provided in the attendant installation, where the pump lines connect into a common line, to select either suction air pump for the proper functioning of the instruments should failure of one source or a breakage of one pump line occur. When an automatic means to permit simultaneous air flow is provided in the system, a suitable method for indicating any interrupted air flow in the pump lines shall be incorporated in the system. In order to indicate which source of energy has failed, a visual means shall be provided to indicate this condition to the flight crew.

(c) A suction gauge shall be provided and so installed as to indicate readily to the flight crew while in flight, the suction in inches of mercury which is being applied to the air-driven types of gyroscopic instruments. This gauge(s) shall be connected to the instruments by a suitable system.

§ 04.522 *Power plant instruments.*

§ 04.5220 *Operational markings.* Instruments shall be marked as specified in § 04.6102.

§ 04.5221 *Instrument lines.* Power plant instrument lines shall comply with the provisions of § 04.425. In addition, instrument lines carrying inflammable fluids or gases under pressure shall be provided with restricted orifices or equivalent safety devices at the source of the pressure to prevent escape of excessive fluid or gas in case of line failure. (For fire resistant power plant instrument lines see § 04.49.)

§ 04.5222 *Fuel quantity indicator.* Means shall be provided to indicate to the flight personnel the quantity in gallons or equivalent units of usable fuel in each tank during flight. Tanks whose outlets and air spaces are interconnected may be considered as one tank and need not be provided with separate indicators. Exposed sight gauges shall be so installed and guarded as to prevent breakage or damage. Fuel quantity indicators shall

be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 04.422 (See § 04.6104).

§ 04.5223 *Fuel flowmeter system.* When a fuel flowmeter system is installed in the fuel line(s), the metering component shall be of such design as to include a suitable means for bypassing the fuel supply in the event that malfunctioning of the metering component offers a severe restriction to fuel flow.

§ 04.5224 *Oil quantity indicator.* Ground means, such as a stick gauge, shall be provided to indicate the quantity of oil in each tank. (See § 04.6103) If an oil transfer system or a reserve oil supply system is installed, means shall be provided to indicate to the flight personnel the quantity of oil in each tank during flight.

§ 04.5225 *Cylinder head temperature indicating system for air-cooled engines.* A cylinder head temperature indicator shall be provided for each engine on airplanes equipped with cowl flaps. In the case of airplanes which do not have cowl flaps, an indicator shall be provided if compliance with the provisions of § 04.44 and its related sub-sections is demonstrated at a speed in excess of the speed of best rate of climb.

§ 04.53 *Electrical systems and equipment; installation.* Electrical systems and equipment shall: (1) Be free from hazards in themselves, in their method of operation, and in their effects on other parts of the airplane; (2) be installed in such a manner that they are suitably protected from fuel, oil, water, other detrimental substances and mechanical damage.

In addition to the requirements specified, all electrical equipment shall be of a type and design adequate for the use intended. For substantiation of the electrical system the data required under § 04.031 is considered to include:

(a) Wiring diagrams, including a schematic power supply diagram.

(b) Installation data which includes the manufacturer's name and type of all electrical items and reference to pertinent specifications.

(c) A load analysis.

Items of electrical equipment for specific types of airplane operations are listed in Part 41 entitled "Certification and Operation Rules for Scheduled Operations Outside the Continental Limits of the United States" and Part 61 entitled "Scheduled Air Carrier Rules," of this chapter.

§ 04.530 *Batteries.* The capacity shall be that determined necessary from an electrical load analysis.

§ 04.5300 *Protection against acid.* Means shall be provided to prevent corrosive battery substance from coming in contact with other parts of the airplane during servicing or flight.

§ 04.5301 *Battery containers.* Batteries shall be completely enclosed in a container or compartment and shall be easily accessible for servicing and inspection on the ground.

§ 04.5302 *Battery vents.* The battery container or compartment shall be vented in such a manner that gases released by the battery are carried outside the airplane.

§ 04.5303 *Battery cooling.* Battery cooling shall be provided, if necessary, to keep the battery temperature within the limits specified by the battery manufacturer.

§ 04.531 *Generators.* The capacity necessary shall be determined initially from an electrical load anlysis and its adequacy shall be demonstrated during flight test. A switch shall be provided for each generator to permit its output to be interrupted.

§ 04.5310 *Generator rating.* Individual generators shall be capable of delivering their continuous rated power.

§ 04.5311 *Generator controls.* Generator voltage control equipment shall be capable of dependably regulating the generator output within rated limits.

§ 04.5312 *Reverse current cut-out.* A generator reverse current cut-out shall disconnect the generator from the battery and other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

§ 04.532 *Master switch.* A master switch arrangement shall be provided which will disconnect all sources of electrical power from the main distribution system at a point adjacent to the power sources.

§ 04.5320 *Master switch installation.* The master switch or its controls shall be so installed that it is easily discernible and accessible to a member of the crew in flight.

§ 04.533 *Protective devices.* Protective devices (fuses or circuit breakers) shall be installed in the circuits to all electrical equipment except that such items need not be installed in the main circuits of starter motors or in other circuits where no hazard is presented by their omission.

§ 04.5330 *Protective devices installation.* Protective devices in circuits used in flight shall be so located and identified that fuses may be replaced or circuit breakers reset readily in flight.

§ 04.5331 *Spare fuses.* If fuses are used, one spare of each rating or 50% spare fuses of each rating, whichever is greater, shall be provided.

§ 04.534 *Electric cables.* The electrical cable used shall be in accordance with approved standards for aircraft electric cable of a slow burning type and shall have adequate current carrying capacity to deliver the necessary power to the items of equipment to which it is connected.

§ 04.535 *Switches.* Switches shall be capable of carrying their rated current.

§ 04.5350 *Switch installation.* Switches shall be so installed as to be readily accessible to a member of the crew and shall be suitably labeled as to operation and the circuit continued.

§ 04.536 *Instrument lights.* Instrument lights shall provide sufficient illumination to make all instruments, switches, etc., easily readable and discernible.

§ 04.5360 *Instrument light installation.* Instrument lights shall be installed in such a manner that their direct rays are shielded from the pilot's eyes and that no objectional reflections are visible to him.

§ 04.5361 *Light dimming.* A suitable means of controlling the intensity of illumination shall be provided unless it can be shown that non-dimmed instrument lights are satisfactory.

§ 04.537 *Landing lights.* Landing lights shall be of a type acceptable to the Administrator.

§ 04.5370 *Landing light installation.* Landing lights shall be so installed that there is no objectionable glare visible to the pilot and also that the pilot is not seriously affected by halation. They shall be installed at such a location that they provide adequate illumination for night landing.

§ 04.5371 *Landing light switch.* A switch for each light shall be provided, except that where multiple lights are installed at one location, a single switch for the multiple lights is satisfactory.

§ 04.538 *Position lights.* Forward and rear position lights shall be of a type certificated in accordance with Part 15 of this chapter.

§ 04.5380 *Forward position light installation.* Forward position lights shall be so installed that, with the airplane in normal flying position, the red light is displayed on the left side and the green light on the right side, each showing unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the left and right, respectively, of the airplane from dead ahead. The lights shall be spaced laterally as far apart as practicable.

§ 04.5381 *Rear position light installation.* The red and white position lights shall be mounted as far aft as practicable and so installed that unbroken light is directed symmetrically aft from each light in such a manner that the axis of the maximum cone of illumination is parallel to the flight path. In addition, the intersection of the two planes forming dihedral angle A given in Part 15 of this chapter shall be vertical. If separate red and white lights are used, they shall be located as close together as practicable.

§ 04.5382 *Top and bottom fuselage lights.* The top and bottom fuselage lights shall each furnish illumination of an intensity equivalent to that of a 32-candlepower lamp installed in a reflector of relatively high reflective properties and shall have a clear cover glass. They shall show light through approximately a hemisphere.

§ 04.53821 *Top and bottom fuselage lights; installation.* The top fuselage light shall be installed in the top of the fuselage approximately in line with the forward position lights. The bottom

fuselage light on landplanes shall be installed in the bottom of the fuselage approximately in line with the forward position lights. In the case of seaplanes the location of the bottom light will be subject to specific approval on each model airplane.

§ 04.5383 *Position light flasher.* The position light flasher shall incorporate two flashing circuits which are energized alternately to provide flashing of the position and fuselage lights in the manner indicated below. The flasher shall be of a type acceptable to the Administrator.

§ 04.5384 *Flashing light sequence.* The forward position lights and the rear white position light shall be on one of the flasher circuits, and the top and bottom fuselage lights and the rear red position light shall be on the other. The flashing sequence shall be repeated automatically when the position light switch is in the "flash" position.

§ 04.5385 *Flashing light cut-out switch.* A switch shall be provided to eliminate the flasher from the position light circuit so that continuous light may be provided by the forward position lights and the rear white position light. The top and bottom fuselage lights shall not be lighted under this condition.

§ 04.539 *Riding light.* When a riding light is required, seaplanes, flying boats, and amphibians shall have at least one riding (anchor) light, which is capable of showing a white light for at least two miles at night under clear atmospheric conditions.

§ 04.5390 *Riding light; installation.* The riding light shall be so installed that it shows the maximum unbroken light practicable when the airplane is moored or drifting on the water. Externally hung light(s) are permitted.

§ 04.54 *Safety equipment; installation.*

§ 04.540 *Marking.* Safety equipment controls which the crew is expected to operate at the time of an emergency such as flares, automatic life raft releases, etc., shall be readily accessible and plainly marked as to the method of operation. When fire extinguishing, life enduring, and signaling equipment is carried in lockers, compartments, etc., such storage places shall be marked for the benefit of passengers and crew.

§ 04.541 *De-icers.* When pneumatic de-icers are installed, the installation shall be in accordance with approved data. Positive means shall be provided for the deflation of the pneumatic boots.

§ 04.542 *Fire extinguishers; number and installation.* The approved hand-type fire extinguisher required in § 04.51 (c) shall be installed primarily for the use of the pilot and co-pilot. The installation of the additional fire extinguishing equipment required in Parts 41 and 61 of this chapter will depend upon the size and type of the aircraft and the disposition and size of the crew and passengers and location of such fire extinguishers used will be subject to the approval of the Administrator.

An approved fire extinguisher is one approved by the Underwriters Laboratories or by any other agency deemed qualified by the Administrator.

§ 04.543 *Flares.*

§ 04.5430 *Flare requirements.* When parachute flares are required, they shall be of a type certificated in accordance with Part 15 of this chapter.

§ 04.5431 *Flare installation.* Parachute flares shall be releasable from the pilot's compartment and so installed that danger from accidental discharge is reduced to a minimum. It shall be demonstrated in flight that the installation in each model of airplane is such that ejection is accomplished without any hazard to the airplane or its occupants. If the flares are ejected so that recoil loads are involved, structural provision for such loads shall be made.

§ 04.544 *Safety belts.* Safety belts shall be of a type certificated in accordance with Part 15. They shall be so attached that no part of the attachment will fail at a lower load than that specified in § 04.38221.

§ 04.545 *Safety belt signal.* When a means is provided to indicate to the passengers when the seat belt should be fastened, the device shall be so installed that it can be operated from the seat of either pilot or co-pilot.

§ 04.546 *Emergency flotation and signaling equipment.*

§ 04.5460 *General.* When required by Parts 40, 41, and 61 of this chapter, an approved life raft or approved life preserver is one approved by either the Administrator, the Bureau of Marine Inspection and Navigation, the U. S. Army Air Forces, or the Bureau of Aeronautics, Navy Department.

§ 04.5461 *Installation of rafts and life preservers.* When such emergency equipment is required, it shall be so installed as to be readily available to the crew and passengers. Rafts released automatically or by the pilot shall be attached to the airplane by means of a line to keep them adjacent to the airplane.

§ 04.5462 *Signaling device.* Signaling devices, when required by Parts 40, 41, and 61 of this chapter, shall be accessible, shall function satisfactorily, and be free from any hazard in their operation.

§ 04.5463 *First aid equipment.* The amount of first aid equipment will vary with the number and distribution of passengers and the type of operation involved and the location(s) of such equipment shall be subject to the approval of the Administrator.

§ 04.55 *Radio equipment; installation.*

§ 04.550 *General.* Radio equipment installations in the airplane shall be free from hazards in themselves, in their method of operation, and in their effects on other components of the airplane.

§ 04.56 *Miscellaneous equipment; installation.*

§ 04.560 *Accessories.* Engine-driven accessories essential to the safe operation of the airplane shall be distributed among two or more engines.

§ 04.561 *Hydraulic systems.*

§ 04.5610 *General.* Hydraulic systems and elements shall be so designed as to withstand, without exceeding the yield point, any structural loads which may be imposed in addition to the hydraulic loads.

§ 04.5611 *Tests.* Hydraulic systems shall be substantiated by proof pressure tests. When proof tested, no part of the hydraulic systems shall fail, malfunction, or experience a permanent set. The proof load of any system shall be 1.5 times the maximum operating pressure of that system.

§ 04.5612 *Lines.* All hydraulic lines carrying inflammable fluids into a designated fire zone shall be constructed in accordance with § 04.490.

§ 04.5613 *Accumulators.* Hydraulic accumulators or pressurized reservoirs shall not be installed on the engine side of the firewall except when they form an integral part of the powerplant.

§ 04.562 *Oxygen system.* When oxygen is provided to comply with the requirements of Parts 41 and 61 of this chapter, the oxygen system installation shall be free from hazards in itself, in its method of operation, and in its effects on other components of the airplane. The oxygen equipment shall be of a type and design which experience or conclusive tests have shown to be adequate for the use intended. The minimum amount of supplemental oxygen required per person for continuous operation is indicated in Figure 04–19.

§ 04.6 *Operating limitations and information.* Means shall be provided by which the pilot and other appropriate crew members are adequately informed of all operating limitations upon which the type design is based. Any other information concerning the airplane found by the Administrator to be necessary for safety during its operation shall also be made available to the crew.

§ 04.60 *Limitations.* The operating limitations specified in the following subsections and any similar limitations shall be established for any airplane and made available to the operator as further described in §§ 04.61 and 04.62, unless its design is such that they are unnecessary.

§ 04.600 *Airspeed.* The following airspeed limitations shall be established.

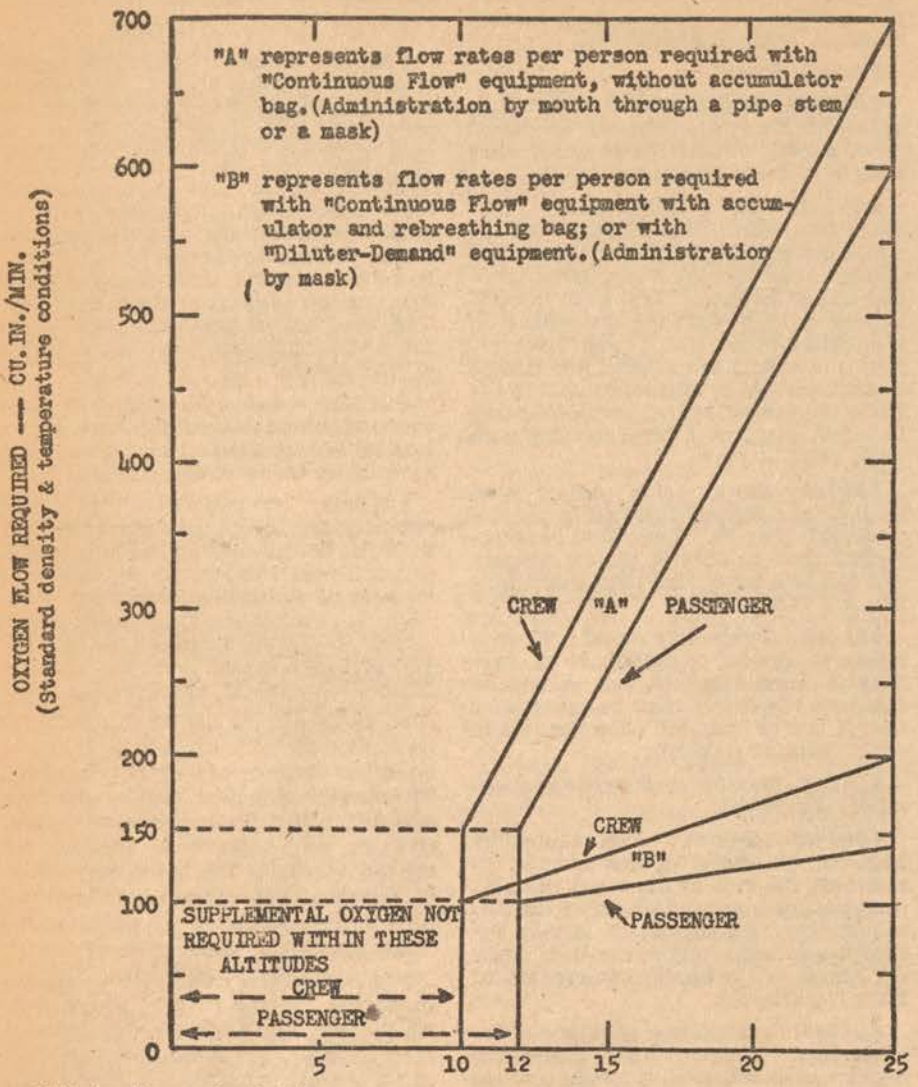
§ 04.6001 *Never exceed speed.* This speed shall not exceed the lesser of the following:

(a) $0.9V_d$ chosen in accordance with § 04.2110, or

(b) 0.9 times the maximum speed demonstrated in accordance with § 04.15, but shall not be less than 0.9 times the minimum value of V_d permitted by § 04.2110.

The 0.9 factor may be suitably modified to take into account the increase of drag coefficient at high Mach numbers.

FIGURE 04-19. MINIMUM FLOW OF SUPPLEMENTAL OXYGEN FOR CONTINUOUS OPERATION AT VARIOUS ALTITUDES.



The factor used shall be substantiated by flight tests.

§ 04.6002 *Maximum structural cruising speed.* This operating limitation shall be:

(a) Not greater than V_c chosen in accordance with § 04.2110.

(b) Not greater than 0.89 times the "Never Exceed" speed established under § 04.6001.

(c) Not less than the minimum V_c permitted in § 04.2110.

The 0.89 factor may be suitably modified to take into account the increase in drag coefficient at high Mach numbers. The factor used shall be substantiated by flight tests.

§ 04.6003 *Maneuvering speed.* (See § 04.2110.)

§ 04.6004 *Flaps extended speed.* This speed shall not exceed the lesser of the following:

(a) The design flap speed, V_f, chosen in accordance with § 04.2110 or

(b) The flap design speed chosen in accordance with § 04.225, but shall not be less than the minimum value of flap design speed permitted in §§ 04.2110 and 04.225.

§ 04.6005 *Minimum control speed.* (See § 04.312.)

§ 04.601 *Power plant.* The following power plant limitations shall be established and shall not exceed the corresponding limits established as a part of the type certification of the engine and propeller installed in the airplane.

§ 04.6011 *Take-off operation.* (a) Maximum rotational speed (RPM).

(b) Maximum permissible manifold pressure.

(c) The time limit upon the use of the corresponding power.

(d) Where the time limit of Item (c) exceeds two minutes, the maximum allowable cylinder head, or coolant outlet and oil temperatures.

§ 04.6012 *Maximum continuous operation.* (a) Maximum rotational speed (RPM).

(b) Maximum permissible manifold pressure.

(c) Maximum allowable cylinder head, or coolant outlet and oil temperatures.

§ 04.6013 *Fuel octane rating.* The minimum octane rating of fuel required for satisfactory operation of the power plant at the limits of §§ 04.6011 and 04.6012.

§ 04.602 *Airplane weight.* The airplane weight and c. g. limitations are those required to be determined by § 04.11.

§ 04.603 *Minimum flight crew.* The minimum flight crew shall be established as that number of persons required for the safe operation of the airplane during day contact flight as determined by the availability and satisfactory operation of all necessary controls by each operator concerned.

§ 04.604 *Types of operation.* The types of operation to which the airplane is limited shall be established by the category in which it has been found eligible for certification and by the equipment installed. (See Parts 41 and 61 of this chapter.)

§ 04.61 *Markings and placards.* The markings and placards specified are required for all airplanes. Placards shall be displayed in a conspicuous place and both shall be such that they may not be easily erased, disfigured, or obscured. Additional information, placards, and instrument markings having a direct and important bearing on safe operation may be required when unusual design, operating or handling characteristics so warrant.

§ 04.610 *Instrument markings.* The instruments listed below shall have the following limitations marked thereon. When these markings are placed on the cover glass of the instrument, adequate provisions shall be made to maintain the correct alignment of the glass cover with the face dial. All arcs and lines shall be of sufficient width and so located as to be clearly and easily visible to the pilot.

§ 04.6100 *Airspeed indicator.* True indicated airspeed shall be used:

(a) The never exceed speed, V_{ne}—a radial red line (See § 04.6001).

(b) The caution range—a yellow arc extending from the red line in (a) above to the upper limit of the green arc specified in (c) below.

(c) The normal operating range—a green arc with the lower limit at V_s, as determined in § 04.121 with maximum take-off weight, landing gear and wing flaps retracted, and the upper limit at the maximum structural cruising speed established in § 04.6002.

(d) The flap operating range—a white arc with the lower limit at V_{so} as determined in § 04.121 at the maximum landing weight, and the upper limit at the flaps extended speed in § 04.6004.

When the Never Exceed speed and Maximum Structural Cruising speed vary with altitude, means shall be provided which will indicate the appropriate limitation to the pilot throughout the operating altitude range.

§ 04.6101 *Magnetic direction indicator.* A placard shall be installed on or in close proximity to the magnetic direction indicator which contains the

calibration of the instrument in a level flight attitude with engine(s) operating and radio receiver(s) on or off (which shall be stated). The calibration readings shall be those to known magnetic headings in not less than 45° increments.

§ 04.6102 *Power plant instruments.* All required power plant instruments shall be marked with a red radial line at the maximum, and minimum (if applicable) indications for safe operation. The normal operating ranges shall be marked with a green arc which shall not extend beyond the maximum and minimum limits for continuous operation. Take-off and precautionary ranges shall be marked with a yellow arc.

§ 04.6103 *Oil quantity indicators.* Indicators shall be suitably marked in sufficient increments so that they will readily and accurately indicate the quantity of oil.

§ 04.6104 *Fuel quantity indicator.* When the unusable fuel supply for any tank exceeds 1 gallon or 5% of the tank capacity, whichever is greater, a red band shall be placed on the indicator which extends from the calibrated zero reading to the lowest reading obtainable in the level flight attitude, and a suitable notation in the airplane's operating manual shall be provided to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reaches zero cannot be used safely in flight (See § 04.5222).

§ 04.611 *Control markings.* All cockpit controls, with the exception of the primary flight controls, shall be plainly marked and/or identified as to their function and method of operation.

§ 04.6110 *Aerodynamic controls.* The secondary controls shall be suitably marked to comply with §§ 04.352 and 04.353.

§ 04.6111 *Power plant fuel controls.* (a) Controls for fuel tank selector valves shall be marked to indicate the position corresponding to each tank and any cross feed positions that may exist.

(b) When more than one fuel tank is provided, and if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls shall be marked adjacent to or on the control to indicate to the flight personnel the order in which the tanks should be used.

(c) Controls for engine selector valves shall be marked to indicate the position corresponding to each engine.

§ 04.6112 *Accessory and auxiliary controls.* (a) When a retractable landing gear is used, the visual indicator required in § 04.3622 shall be marked in such a manner that the pilot, at all times, can ascertain when the wheels are secured in either extreme position.

(b) Emergency controls shall be colored red and clearly marked as to their method of operation.

§ 04.612 *Miscellaneous markings and placards.*

§ 04.6120 *Baggage compartments and ballast location.* Each baggage or cargo compartment and ballast location shall bear a placard which states the maximum allowable weight of contents and, if applicable, any special limitation of contents due to loading requirements, etc.

§ 04.6121 *Fuel, oil, and coolant filler openings.* The following information shall be marked on or adjacent to the filler cover in each case:

(a) The word "fuel", the minimum permissible fuel octane number for the engines installed, and the usable fuel tank capacity. (See § 04.4221).

(b) The word "oil" and the oil tank capacity.

(c) The name of the proper coolant fluid and the capacity of the coolant system.

§ 04.6122 *Emergency exit placards.* Emergency exits shall be clearly marked as such in letters not less than ¾ inch high with luminous paint, such markings to be located either on or immediately adjacent to the pertinent exit and readily visible to passengers. Location and method of operation of the handles shall be marked with luminous paint. (See § 04.38121).

§ 04.6124 *Operating limitation placard.* A placard shall be provided in front of and in clear view of the pilot(s) stating: "This airplane must be operated in compliance with the operating limitations specified in C. A. A. approved Airplane Operating Manual."

§ 04.62 *Airplane operating manual.* An airplane operating manual shall be furnished with each airplane. (See Parts 41 and 61 of this chapter.) The portions of the manual listed below shall be verified and approved by the Admin-

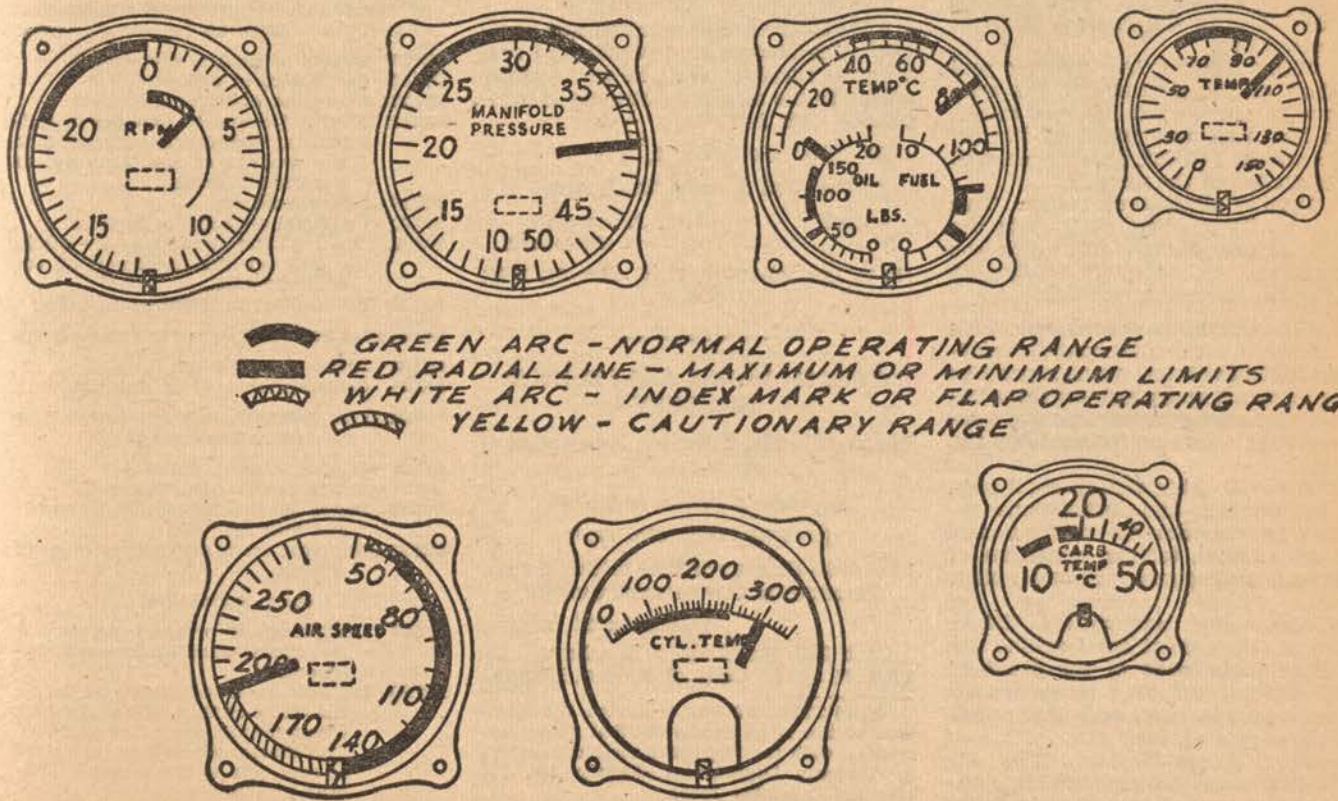


FIGURE 04-20. REPRESENTATIVE INSTRUMENT MARKINGS.

istrator. Additional items of information having a direct and important bearing on safe operation may be required when unusual design, operating or handling characteristics so warrant. The manual shall contain, as a minimum, the following:

§ 04.620 *Operating limitations.* This part of the manual shall contain the operating limitation information listed below:

(a) *Airspeed limitation.* Sufficient information shall be included in this section of the manual to permit proper marking of the airspeed limitations on the indicator as required in § 04.6100. It shall also include the design maneuvering speed and the maximum safe airspeed at which the landing gear can be safely lowered. In addition to the above information, the manual shall explain the significance of the airspeed limitations, and the color coding used.

(b) *Power plant limitations.* Sufficient information shall be included in this section of the manual to outline and explain all power plant limitations (see § 04.601) and to permit marking the instruments as required in § 04.6102.

(c) *Weight and loading distribution.* The airplane weights and c. g. limits required to be determined by § 04.11, together with the items of equipment on which the weight empty is based, shall be entered in this section of the manual. Where the variety of possible loadings warrants, instructions adequate to insure observance of those limitations shall be included in this section of the manual. (See also § 04.1101.)

(d) *Flight load acceleration limits.* The positive limit load factors made good by the airplane structure shall be described here in the manual in terms of accelerations.

(e) *Flight crew.* The number and functions of the minimum flight crew required to operate the airplane safely, which has been determined by the requirements of § 04.603, shall be entered in this section of the manual.

(f) *Type of airplane operation.* This section of the manual shall state the type(s) of operation(s) for which the airplane and its necessary equipment installations have been certificated.

§ 04.621 *Operating procedures.* This part of the manual shall contain information indicated below which is peculiar to the airplane, and which concerns the normal and emergency procedures necessary to their safe performance by the crew.

(a) *Normal.* This section shall contain information and instructions regarding peculiarities of: starting and warming engines, taxiing, operation of wing flaps, landing gear, automatic pilot, etc.

(b) *One-engine inoperative.* This section of the manual shall outline the procedure to be used in the event of engine failure, including recommended minimum speeds, trim, operation of remaining engine(s), etc.

(c) *Propeller feathering.* The desirable procedure to be followed in stopping the rotation of propellers in flight shall be included in this section of the manual.

§ 04.622 *Performance information.* This part of the manual shall contain the performance information listed below:

(a) *Performance data.* A summary of all performance data secured in accordance with § 04.12 *Performance*, § 04.122 *Take-off*, § 04.123 *Climb*, and § 04.124 *Landing*, inclusive, as well as all data derived therefrom, required for the application of the operating rules of § 61.712. Also, any pertinent descriptions of the conditions, airspeeds, etc., under which the above data were determined.

(b) *Flap controls.* Adequate instructions for the use and adjustment of the flap controls necessary to obtain the desired performance.

(c) *Airspeeds.* The indicated airspeeds corresponding to those determined in § 04.122 *Take-off*, together with pertinent discussion of procedures to be followed if the critical engine becomes inoperative during take-off.

(d) *Miscellaneous.* Include a discussion of any significant or unusual flying or ground handling characteristics, knowledge of which would be useful to a pilot who has not previously flown the airplane and which would thereby enable him more readily to obtain maximum performance.

§ 04.7 *Airplane identification data.*

§ 04.70 *Nameplate.* A nameplate shall be securely attached and shall contain:

(a) The manufacturer's name and address,

(b) Model and serial numbers,

(c) Date of manufacture,

(d) Type certification number.

§ 04.71 *Airworthiness certificate number.* The identifying symbols and registration numbers shall be permanently affixed to the airplane structure in compliance with § 43.102.

Effective: November 9, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 45-22826; Filed, Dec. 21, 1945; 10:44 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[1945 Rev. Dept. Circ. 176 [1]]

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS [2]

DECEMBER 21, 1945.

Part 202, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 176 (Revised), dated September 2, 1930, as amended) is hereby revised to read as follows:

GENERAL PROVISIONS AND DEFINITIONS

FOR SPECIAL ATTENTION OF DEPOSITORS OF PUBLIC MONEYS

FOR SPECIAL ATTENTION OF FEDERAL RESERVE BANKS

FOR SPECIAL ATTENTION OF GENERAL DEPOSITARIES

FOR SPECIAL ATTENTION OF LIMITED DEPOSITARIES

PAYMENT OF CHECKS DRAWN ON TREASURER OF THE UNITED STATES

OTHER PROVISIONS

[1] In §§ 202.1 to 202.32, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Treasury Department Circular No. 176 (Revised December 1945).

[2] The forms mentioned in this part were filed as a part of the original document with the Division of the Federal Register.

AUTHORITY: §§ 202.1 to 202.32, inclusive, issued under sec. 10, 56 Stat. 356; 12 U.S.C., Sup., 265.

GENERAL PROVISIONS AND DEFINITIONS

§ 202.1 *General provisions and definitions*—(a) *Scope of part.* This part governs deposits of public moneys with and the handling of Government checks by the Treasurer of the United States, Federal Reserve Banks and Branches, and Depositaries and Financial Agents of the Government.

(b) *Public moneys; definition of.* The term "public moneys" as defined in Public Law 603, 77th Congress, approved June 11, 1942 (U.S.C., Sup. IV, Title 12, sec. 265), includes, without being limited to, revenues and funds of the United States and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees.

(c) *Branch Federal Reserve Banks; reference to.* The term "Federal Reserve Bank" where it appears in this part, unless otherwise indicated by the context, includes Branch Federal Reserve Banks.

(d) *Depositary and financial agent of the Government; definition of.* The term "Depositary and financial agent of the Government" as used in this part means any insured bank within the forty-eight States and the District of Columbia designated for that purpose under the provisions of Public Law 603, 77th Congress, approved June 11, 1942 (U.S.C., Sup. IV, Title 12, sec. 265).

(e) *General depositaries; definition of.* The term "general depositaries" as used in this part means depositaries and financial agents of the Government that have been authorized to maintain on their books an acount in the name of the Treasurer of the United States. General depositaries are designated and maintained only at points where a depositary is needed to receive deposits from depositors of public moneys for credit to the account of the Treasurer of the United States or to render other essential banking services authorized by the Secretary of the Treasury. The balances maintained with general depositaries to the credit of the Treasurer of the United States are fixed in proportion to the volume and character of the Government business transacted by such depositaries and are adjusted periodically upon that basis. General depositaries, when so authorized by the Secretary of the Treasury, may also accept deposits for credit in the official checking acounts of other Government officers with such depositaries. (See § 202.15 for definition of active and inactive general depositaries.)

(f) *Limited depositaries; definition of.* The term "Limited depositaries" means depositaries and financial agents of the Government that have been designated by the Secretary of the Treasury for the sole purpose of receiving, up to specified maximum amounts, deposits made by Government officers for credit in their official checking accounts with such depositaries. Limited depositaries are not authorized to accept deposits for credit to the account of the Treasurer of the United States.

FOR SPECIAL ATTENTION OF DEPOSITORS OF PUBLIC MONEYS

§ 202.2 *Deposits with Federal Reserve Banks and general depositaries for credit to the account of the Treasurer of the United States.* All funds received by depositors of public moneys shall be deposited, if the depositor is located in the same city with a Federal Reserve Bank or general depositary, with such Federal Reserve Bank or general depositary. If there is no Federal Reserve Bank or general depositary located in the same city or town with the depositor, all deposits shall, unless otherwise authorized by the Secretary of the Treasury, be forwarded to the Federal Reserve Bank of the district or to the nearest branch thereof: *Provided, however,* That depositors located in the District of Columbia shall make all deposits direct with the Treasurer of the United States. Depositors of public moneys shall endeavor to limit the number of their deposits to one each day. It may be necessary, therefore, for depositors to establish a "cut off" hour in connection with deposits; collections received after that hour should be included in the deposit of the following day.

§ 202.3 *Use of bank drafts in transmitting official funds.* The Secretary of the Treasury, in his discretion, may authorize the exchange of public moneys for drafts issued by insured banks for the transmission of funds received by officers or agents of the Government. This method of transmission shall not be used without first securing authority from the Secretary of the Treasury.

§ 202.4 *Deposits by Government officers with general and limited depositaries for credit in their official checking accounts with such depositaries.* It is the responsibility of Government officers to maintain the balances (including outstanding drafts) in their official checking accounts with general and limited depositaries within the authorized limits fixed by the Secretary of the Treasury. If a Government officer determines that the balance in his official checking account will exceed the authorized limit of the depositary in which the account is maintained, he shall immediately advise the Secretary of the Treasury through his administrative office and the Treasury will take action to obtain additional collateral from the depositary and will increase its authority accordingly. The Treasury will assume no responsibility for the amount of any deposit made by a Government officer in his official checking account in excess of the authorized limit fixed by the Secretary of the Treasury or any deposit in a bank which has not been designated as a general or limited depositary.

§ 202.5 *Conditions under which checks and drafts will be accepted.* All checks and drafts (including checks drawn on the Treasurer of the United States and postal money orders) received by any Government officer are received subject to collection and in the event that any check or draft cannot be collected in full or is lost or destroyed before collection, appropriate action must be taken by the depositor in the same manner as if the check had not been received. Payments made by check or draft are not effective unless and until the proceeds of the check or draft have been received in actually and finally collected funds. All such checks which are deposited with or collected through a Federal Reserve Bank shall be collected in accordance with the regulations of the Board of Governors of the Federal Reserve System governing the clearing and collecting of checks by Federal Reserve Banks. All checks and drafts received in payment of obligations to the United States must be payable unconditionally in money of the United States. Checks or drafts payable in exchange at the option of the drawee will not be accepted. Drafts shall be handled hereunder in the same manner as checks, and the term "checks" where it appears in this part, will, unless otherwise indicated by the context, be deemed to include drafts. Postal money orders and postal notes shall be handled, subject to collection, in accordance with §§ 202.7 and 202.8 hereof.

§ 202.6 *Certificates of deposit*—(a) *Form to be used and who should prepare same.* Deposits with Federal Reserve Banks and general depositaries for credit to the account of the Treasurer of the United States should be accompanied by prescribed certificates of deposit. Certificates of deposit generally should be prepared by the depositor and should be numbered and dated by the depositor as of the date sent to the depositary.

(b) *Form of signature.* The form of receipt incorporated on the original and copies of all certificates of deposit must be dated and signed by a duly authorized officer or employee acting on behalf of the depositary. This signature may be in any one of the following forms: (1) a manual signature of a duly authorized officer or employee followed by the title of such officer or employee; (2) a rubber stamp impression containing the name of the depositary, supported by the manual initial of the receipting officer or employee and followed by his title; (3) a facsimile or rubber stamp impression signature of a duly authorized officer over his official title, supported by the manual initial of such officer or employee receiving the deposit; or (4) a facsimile or rubber stamp impression signature of a duly authorized employee over his official title, supported by the manual initial of such employee. All initials or manual signatures should be in ink.

(c) *Number that should be prepared.* Only one certificate of deposit should accompany each deposit, unless the depositor is specifically authorized by the Secretary of the Treasury or a Federal Reserve Bank, acting as Fiscal Agent of the United States, to adopt a different procedure: *Provided, however,* That in the event a deposit involves different classes of accounts, more than one certificate of deposit should be used.

(d) *Disposition of original and copies.* The original of each certificate of deposit shall be transmitted to the Treasurer of the United States by the depositary with its transcript of the Treasurer's account on which the credit appears. The copies of the certificate of deposit in the set should be distributed in accordance with the instructions

printed thereon. In no case shall a duplicate or second set of certificates be issued without special authority of the Secretary of the Treasury, unless and until the entire original set has been canceled; however, copies of any certificate in a set may be furnished on request provided each such copy is plainly stamped across the face in large letters "Copy". If an error is discovered after the original has been mailed, the Treasurer of the United States should be notified at once in order that proper correction may be made.

(e) *Maintenance of record of items deposited.* Depositors shall maintain a record of all checks, drafts, postal money orders, and postal notes deposited, which record shall be in such form as to enable the identification of each item with the applicable certificate of deposit.

§ 202.7 *Sorting and listing of items for deposit.* Items deposited with Federal Reserve Banks and General Depositaries for credit to the account of the Treasurer of the United States shall be sorted and listed by depositing officers in such manner as may be prescribed by the Secretary of the Treasury.

§ 202.8 *Indorsement and transmission of checks for collection*—(a) *Form of indorsement.* The depositor should stamp on the face or include in the indorsement of each check deposited for credit to the account of the Treasurer of the United States the words "This check is in payment of an obligation to the United States and must be paid at par. N. P.", followed by his name and title. The Federal Reserve Bank or General Depositary will make an effort to collect every check on these terms. If the bank on which a check is drawn for any reason does not pay it at par, it will be returned to the depositor in the same manner as a bad check. A check is not paid by the bank on which it is drawn until the proceeds thereof have been received in actually and finally collected funds. All checks should be indorsed: "Pay to the order of any Federal Reserve Bank or Branch or General Depositary for credit to the Treasurer of the United States,

----------,
(Date)

"[3]

(Stamp signature or title of depositor)

(b) *Maintenance of record of checks deposited.* Depositors must retain a record of the checks deposited so that if any check is lost payment may be stopped immediately and a duplicate or substitute check secured.

(c) *Postage and registration charges.* Necessary expenses for postage and registration charges should be borne by such appropriation as may be available and must not in any event be deducted from the amount of the deposit. If the depositor has no appropriation available to pay such charges, he should make prompt report to the Secretary of the Treasury, Division of Deposits, and request instructions. Registration is not required in connection with the shipment of checks, postal money orders and postal notes.

(d) *Protection under Government losses in Shipment Act.* Deposits, while in the course of shipment to depositaries, are protected under the provisions of the Government Losses in Shipment Act, as amended (U.S.C., Title 5, secs. 134–134h) and, therefore, such remittances shall not be insured by depositors. In this connection, attention is invited to Parts 260 and 261 of this chapter appearing also as Treasury Department Circulars Nos. 576 and 577.

§ 202.9 *Uncollected and lost checks in connection with deposits for credit to the account of the Treasurer of the United States.* Except as otherwise authorized by the Secretary of the Treasury in specific cases, the following procedure shall apply in the event any check is not paid for any reason by the bank on which it is drawn (irrespective of whether advice of such non-payment is received prior or subsequent to the date the applicable certificate of deposit is executed):

(a) The Federal Reserve Bank or general depositary, all hereinafter referred to as the "depositary", will immediately execute a debit voucher, Form 5504 (Revised), and deliver or forward to the depositor the triplicate and quadruplicate copies thereof, together with each unpaid check included in such voucher. The charge for such uncollectible checks will not be entered in the Treasurer's account, however, prior to the credit of the deposits in which the uncollectible checks are included. If an unpaid check is not recovered by the depositary, a notification to the depositor to that effect citing the reason the check was not returned should accompany the copies of the voucher.

(b) The depositor should immediately review the data recorded on the reverse of the copies of the Form 5504 (Revised) and if such data are correct, the quadruplicate copy should be signed in the space provided on the reverse of the form and immediately returned to the depositary.

(c) If any correction of the information recorded on the executed debit voucher is necessary, the depositor should make such correction on the copies of the form in his possession over initial, before returning the depositary's copy; the depositary will advise the Treasurer of the United States by letter of the corrections to be made on the debit voucher.

(d) At the request of the depositary and upon receipt therefrom of the unpaid check or checks, or in case an unpaid check is not recovered by the depositary, a notification to that effect, citing the reason therefor, the depositor shall complete (except affixing his signature) the reverse side of a full set of the debit voucher, Form 5504 (Revised), and transmit at once the full set of the form to the depositary for execution and for return to the depositor of the triplicate and quadruplicate copies thereof. Thereafter, the procedure will be the same as set forth under (b) and (c).

(e) Two or more uncollectible checks, if included in the same deposit, should be recorded on the same debit voucher. Checks of the same class of receipt should be consolidated and recorded on the debit voucher by class of receipt and certificate of deposit. Space permitting, data pertaining to more than one certificate of deposit submitted by the same depositor may be recorded on a single debit voucher provided the certificates of deposit are of the same form number; however, separate debit vouchers must be prepared for uncollectible checks included in deposits for credit in disbursing officers' checking accounts bearing different symbol numbers or in other cases upon specific instructions.

(f) In the case of failure for any reason to collect checks deposited by the Treasurer of the United States, the procedure and forms set forth in § 202.12 (i) hereof will be followed and used.

(g) If an unpaid check is returned by the depositary, the depositor will adjust his accounts and proceed at once to collect the amount involved as though no check had been received.

(h) If a check is lost, whether before or after deposit, the depositor will adjust his accounts and immediately request that the drawer stop payment on the check and forward a duplicate thereof. If a duplicate check or other payment is not received in due course, the depositor will proceed to make collection as if no check had been received. (See § 202.10 hereof.)

(i) When a new payment is received under either (g) or (h) hereof, the depositor will treat such payment as new business and deposit the check accordingly.

§ 202.10 *Agreement of indemnity in connection with the replacement of checks, drafts, and other documents.* Section 3 (b) of the Government Losses in Shipment Act, as amended (U.S.C., Title 5, § 134b–2), reads as follows:

3 (b). The Secretary of the Treasury is hereby authorized to execute and deliver, on behalf of the United States, such binding agreements of indemnity as he may deem necessary and proper to enable the United States to obtain the replacement of any instrument or document received by the United States or any agent of the United States in his official capacity which, after having been so received, became lost, destroyed, or so mutilated as to impair its value: *Provided, however,* That no such agreement of indemnity shall operate to obligate the United States in any case in which the obligee named therein makes any payment or delivery not required by law on the original of the instrument or document covered thereby. The fund shall be available for the payment of any obligation arising out of any agreement executed by the Secretary of the Treasury under this section.

The procedure outlined below should be followed in connection with the replacement of any instrument or document covered by the foregoing amendment:

(a) Immediately upon discovery of the loss, destruction, or mutilation, the drawer should be so advised and request be made that payment of or delivery on the original instrument or document be stopped.

[3] Depositors now using special indorsement stamps, i. e., indorsement stamps naming specific banks, should not change such indorsement stamps until new stamps or dies are needed, at which time the general indorsement prescribed above should be substituted.

(b) Every effort should be made to obtain replacement of the instrument or document without the execution of an agreement of indemnity.

(c) In the event it is not possible to obtain replacement without giving an agreement of indemnity, the case should be transmitted to the Treasury Department, for attention of the Division of Deposits, together with the following:

(1) A complete description of the instrument or document, together with certified copies of all correspondence relating to the loss and to the effort made to obtain replacement;

(2) A statement clearly demonstrating the necessity for replacing the instrument or document; and

(3) A recommendation of the administrative head of the executive department, independent establishment, agency, or wholly owned corporation of the United States, that the Secretary of the Treasury execute and deliver an agreement of indemnity.

The Secretary of the Treasury will take such action in regard to the execution and delivery of the agreement of indemnity as he may deem necessary and proper.

FOR SPECIAL ATTENTION OF FEDERAL RESERVE BANKS

§ 202.11 *Collection and credit*—(a) *Basis on which credit will be given.* Federal Reserve Banks will give credit in the Treasurer's account for deposits on such basis as may be agreed upon with the Secretary of the Treasury. Certificates of Deposit covering items deposited for credit in the Treasurer's account should be issued at the time of credit in the account.

(b) *Conditions under which checks will be collected.* Federal Reserve Banks are authorized to collect checks deposited for credit to the Treasurer's general account, when properly stamped as prescribed in § 202.8 hereof, in accordance with the regulations of the Board of Governors of the Federal Reserve System governing the clearing and collecting of checks by Federal Reserve Banks. The Federal Reserve Banks will exercise due diligence in collecting such checks.

(c) *Special arrangements.* The foregoing provisions of this section shall not be deemed to prohibit any Federal Reserve Bank from making special arrangements with the Treasury with respect to deposits of individual depositors of public money where the character of the deposits justifies special treatment.

§ 202.12 *Uncollected and lost checks in connection with deposits for credit to the account of the Treasurer of the United States.* Except as otherwise specified by the Secretary of the Treasury, the following procedure shall apply in the event any check is not paid for any reason by the bank on which it is drawn (irrespective of whether advice of such nonpayment is received prior or subsequent to the date the applicable certificate of deposit is executed):

(a) The Federal Reserve Bank, hereinafter referred to as the "depositary", shall retain a record of the drawer, drawee and amount of each unpaid check returned to the depositor as uncollectible.

(b) The depositary, except as provided under paragraph (e) hereof, will complete the data required on the face and reverse of the form and charge the Treasurer's account with the total amount of the uncollectible checks recorded on Form 5504 (Revised); such charge, however, shall not be entered in the Treasurer's account prior to the credit of the deposit in which the uncollectible checks are included.

(c) The original of the executed Form 5504 (Revised) should be transmitted to the Treasurer of the United States with the transcript of the Treasurer's account, Form 17, on the date the charge is made in such account. All other copies in the set will be distributed in accordance with instructions printed on the face thereof.

(d) Each unpaid check included in a voucher shall accompany the copies of Form 5504 that are returned to the depositor. In case an unpaid check is not recovered by the depositary, a notification to the depositor to that effect citing the reason the check was not returned should accompany the copies of the voucher.

(e) If the depositary is unable to provide accurately the data required on the reverse of the debit voucher Form 5504 (Revised), the depositary should return each uncollectible check, or furnish appropriate advice if the uncollectible check cannot be returned, and request the depositor to complete (except for the affixing of his signature) the reverse side of a full set of the voucher Form 5504 (Revised), and transmit such set of the voucher to the depositary for execution.

(f) Upon receipt of the requested debit voucher, the depositary will verify the information furnished to determine that it is complete and accurate with respect to the certificates of deposit described thereon and proceed as provided in (b) and (c) hereof.

(g) The depositary will see that the quadruplicate copy of each executed form is returned properly signed by the depositor. The copy should be examined and, if the depositor has indicated that correction of the data recorded on the form is necessary, the depositary shall transmit a letter to the Treasurer of the United States, Accounting Division, Washington, D. C., fully describing the debit voucher, together with a statement of the corrections to be made thereon. The depositary will maintain a permanent file of the signed quadruplicate copy of each Form 5504, (Revised) that it executes.

(h) Two or more uncollectible checks, if included in the same deposit, should be recorded on the same debit voucher. Checks of the same class of receipt should be consolidated and recorded on the debit voucher by class of receipt and certificate of deposit. Space permitting, data pertaining to more than one certificate of deposit submitted by the same depositor may be recorded on a single debit voucher, provided that the certificates of deposit are of the same form number; however, separate debit vouchers must be prepared for uncollectible checks included in deposits for credit in disbursing officers' checking accounts bearing different symbol numbers or in other cases upon specific instructions.

(i) Federal Reserve Banks, in the case of checks forwarded for collection by the Treasurer of the United States which are not paid for any reason by the drawee bank, should return the check or checks, if recovered, to the Cashier, Office of the Treasurer of the United States, with duplicate debit voucher, Form 5315, and the original Form 5315 should be transmitted with the transcript to support the charge. Such charge, however, shall not be entered in the Treasurer's account prior to the credit of the deposit in which the uncollectible checks are included. In case the unpaid item or items are not recovered by the Federal Reserve Bank, a notation of the circumstances should be made on the reverse of Form 5315.

(j) A check is not considered paid within the meaning of this part until the proceeds thereof have been received in actually and finally collected funds. In case an exchange draft is tendered by the bank on which a check is drawn and the draft is not paid in actually and finally collected funds because of insolvency of the bank on which the check is drawn, the draft should be retained by the Federal Reserve Bank as the basis for a claim, and the Federal Reserve Bank will be expected in ordinary course to file a claim thereon for account of the Treasurer, though dividends on claims so filed should be accepted only upon specific authority from the Secretary of the Treasury. Immediately upon filing claim, the Federal Reserve Bank should notify the Secretary of the Treasury, Division of Deposits, giving a full description of the items included in the claim.

§ 202.13 *Certificates of deposit.* Federal Reserve Banks are requested to see that all certificates of deposit are duly executed in accordance with § 202.6 hereof. The date inserted on the certificate of deposit by the Federal Reserve Bank must, in all cases, be the same as the date of the transcript in which the amount is credited. Certificates of deposit should be numbered by the depositor if prepared by him, but in the event that the depositor fails to number the certificate, the Federal Reserve Bank will supply a number.

§ 202.14 *Acceptance of collateral.* Federal Reserve Banks, as fiscal agents of the United States, are authorized to accept and hold collateral of the classes outlined in § 202.20 of this part when tendered by depositaries as security for Government deposits.

FOR SPECIAL ATTENTION OF GENERAL DEPOSITARIES

§ 202.15 *Classes of general depositaries.* There are two classes of general depositaries, namely, "Active general depositaries" and "Inactive general depositaries". An "Active general depositary" is a depositary which is authorized to maintain on its books an account in the name of the Treasurer of the United States and is authorized to accept deposits from Government officers for credit in that account. An "inactive general depositary" is a depositary that is authorized to maintain on its books an account in the name of the Treasurer of the United States but does not have authority

to accept deposits from Government officers for credit in that account.

§ 202.16 *Certificates of deposit.* Active general depositaries are requested to see that all certificates of deposit are duly executed in accordance with § 202.6 hereof. The date inserted on the certificate of deposit by active general depositaries must, in all cases, be the same as on the date of the transcript in which the amount is credited. Certificates of deposit should be numbered by the depositor if prepared by him, but in the event that the depositor fails to number the certificate, the active general depositary will supply a number.

§ 202.17 *Collection and credit.* Active general depositaries are required to give immediate credit in the Treasurer's account and to issue certificates of deposit for the full amount of all public moneys deposited with them for credit in the Treasurer's account in accordance with this part.

§ 202.18 *Uncollected and lost checks in connection with deposits for credit to the account of the Treasurer of the United States.* The procedure set forth in § 202.12 hereof (except subparagraphs (i) and (j)) shall apply in the event checks, drafts or other items included in deposits with Active general depositaries are uncollectible or lost.

§ 202.19 *Excess balances.* Each "Active general depositary", whenever it holds funds to the credit of the Treasurer of the United States at the close of business on any day in excess of the amount of its authorized balance, shall make immediate transfer of such excess funds to the Federal Reserve Bank of the district in which the general depositary is located for credit to the Treasurer's account in funds available for immediate credit by such Federal Reserve Bank.

§ 202.20 *Collateral security for deposits.* General depositaries must qualify before receiving deposits of public moneys by pledging collateral as security for such deposits. Until further notice, securities of the following classes, and no others, will be accepted as security for deposits hereunder and at the rates below, *Provided:*

(a) Bonds, notes, certificates of indebtedness, and Treasury bills of the United States, of any issue including outstanding interim certificates or receipts for payment therefor; at par for bonds, notes, and certificates and maturity value in the case of Treasury bills.

(b) Obligations fully and unconditionally guaranteed both as to principal and interest by the United States; all at face value.

(c) Bonds of the Federal Land Banks, obligations of the Federal Intermediate Credit Banks, obligations of the Federal Home Loan Banks, obligations of the Federal National Mortgage Association, bonds of Puerto Rico and bonds and certificates of indebtedness of the Philippine Islands; all at face value.

(d) Bonds of the Territory of Hawaii at market value, not to exceed par.

All securities to be pledged as collateral security for such deposits must be deposited with the Federal Reserve Bank of the district in which the depositary is located or with the Treasurer of the United States, Division of Securities, accompanied by a letter stating distinctly the purpose for which deposited. When registered bonds are to be deposited as collateral security hereunder, such bonds must be assigned to the Treasurer of the United States in trust for the bank by an officer of the bank, duly authorized by resolution of its board of directors to make such assignment, and the assignment must be duly acknowledged pursuant to the regulations of the Secretary of the Treasury governing assignments of registered bonds. A certified copy of the resolution of the board of directors must accompany the registered bonds when forwarded for deposit.

§ 202.21 *Cashing and handling of checks drawn on the Treasurer of the United States.* Active general depositaries shall charge in the Treasurer's account Government checks issued for the purpose of transferring funds from one disbursing officer to another, or from one account of a disbursing officer to another account; or Government checks drawn by a disbursing officer for the purpose of depositing their amounts to the credit of the Treasurer of the United States. Active general depositaries may also charge the Treasurer's account with checks presented by Government disbursing officers to obtain cash for pay roll purposes. The Treasurer of the United States, upon special request, will advise active general depositaries as to whether the balances to the credit of the disbursing officers are sufficient for the payment of the checks presented. All checks charged to the account of the Treasurer of the United States in accordance with the foregoing provisions of this section are subject to examination and payment by the Treasurer. Checks charged to the account of the Treasurer of the United States should accompany the daily transcript of the Treasurer's account in which listed. Shipments of such checks to the Treasurer of the United States will be covered under the Government Losses in Shipment Act, provided the depositary retains copies of the transcripts containing a description of the checks. Checks drawn on the Treasurer of the United States, payable through a particular Federal Reserve Bank, designated on the face of the check, shall not be charged to the account of the Treasurer of the United States by a depositary.

§ 202.22 *Restoration of depleted balances.* Whenever the balance to the credit of the Treasurer of the United States in any active general depositary is reduced below the amount fixed by the Secretary of the Treasury, the balance will be immediately restored upon the receipt by the Treasurer of the United States of a request from the depositary bank, either by wire (prepaid) or by letter. Such requests must be in the form and in accordance with instructions prescribed by the Treasurer of the United States. (See Treasurer's circular letter G. A. 55, dated December 1, 1944, copies of which will be furnished on request.) The Treasurer of the United States will restore balances in either of the following methods, as may be desired by the bank: (1) By directing the appropriate Federal Reserve Bank by wire to credit the bank's reserve account, or (2) by placing funds to the bank's credit by wire with a correspondent bank in any city where a Federal Reserve Bank is located. Immediately upon making such transfer, the Treasurer will advise the bank, by wire (prepaid), and credit therefor must be given on the same date in the Treasurer's account with the depositary bank and reported on Form 17S for the same day. No funds will be transferred, however, to a depositary bank in advance of the actual reduction of the Treasurer's balance.

FOR SPECIAL ATTENTION OF LIMITED DEPOSITARIES

§ 202.23 *Scope of authority.* The term "Limited depositaries" means depositaries that are designated by the Secretary of the Treasury for the sole purpose of receiving, up to specified maximum amounts, deposits made by United States courts and their officers, postmasters, and other duly authorized Government officers for credit in their official checking accounts with such depositaries. Limited Depositaries are not authorized to accept deposits for credit to the account of the Treasurer of the United States.

§ 202.24 *Collateral security for deposits.* The provisions of § 202.20 of this part are applicable to limited depositaries.

PAYMENT OF CHECKS DRAWN ON TREASURER OF THE UNITED STATES

§ 202.25 *Federal Reserve Banks.* Federal Reserve Banks will make arrangements to cash Government checks drawn on the Treasurer of the United States for disbursing officers of the War Department, Navy Department, and Treasury Department, and other Government disbursing officers, when such checks are drawn by the disbursing officers to their own order: *Provided,* That satisfactory identification of the officers shall be furnished. The Treasurer will, upon special request, advise Federal Reserve Banks as to whether the balances to the credit of disbursing officers are sufficient for payment of the checks presented.

Federal Reserve Banks will not be expected to cash Government checks presented direct to the bank by the general public.

Each Federal Reserve Bank will receive Government checks drawn on the Treasurer of the United States from its member banks, nonmember clearing banks, or other depositors, when indorsed by such banks or other depositors who guarantee all prior indorsements thereon, including the indorsement of the drawer when the check is drawn in his favor, and will give immediate credit therefor and charge the amount of the checks cashed or received in the account of the Treasurer, subject to examination and payment by the Treasurer of checks payable in Washington, D. C., or by the designated Federal Reserve Bank of checks payable through a Federal Reserve Bank.

The Treasurer of the United States reserves the right to examine, and to refuse payment of, all Government checks

handled by Federal Reserve Banks in accordance with this section: *Provided, however,* That Government checks cashed by Federal Reserve Banks in accordance with the first paragraph of this section, after having ascertained from the Treasurer that the balances to the credit of the signing officers are sufficient, will not be refused payment except for alteration or forged signature of drawer.

Government checks cashed or otherwise received by Federal Reserve Banks will be handled as follows:

(a) Checks drawn on the Treasurer of the United States, other than checks payable through designated Federal Reserve Banks, will be handled as follows:

(1) The Federal Reserve Bank will forward all checks charged in his account to the Treasurer of the United States at Washington, D. C., for payment.

(2) The Treasurer will return to the forwarding Federal Reserve Bank any check payment of which is refused upon first examination. Such Federal Reserve Bank will be expected to give immediate credit therefor in the Treasurer's account, thereby reversing the previous charge in his account for such check; but, if the check is required for use in connection with a criminal investigation or legal proceeding, the check will be retained by the Treasurer for that purpose, and a photographic copy of the face and back will be forwarded to the Federal Reserve Bank.

(3) In the event that any check which has been paid by the Treasurer is subsequently found to bear a forged indorsement, or to bear any other material defect or alteration which was not discovered upon first examination by the Treasurer, the amount of the check will be charged in the transit account of the Federal Reserve Bank from which received and a photographic copy thereof will be sent by the Treasurer to the bank or depositor which forwarded the check to the Federal Reserve Bank, with request that the amount thereof be paid to the Federal Reserve Bank for credit in the account of the Treasurer of the United States. If such payment is not made, the Treasurer will take such steps against such forwarding bank, or other depositor, and prior indorsers as he may deem necessary or advisable to protect the interests of the United States. Unless such payment is made, the Federal Reserve Bank will not give credit in the Treasurer's account for the amount of such check. If the check was cashed by a Federal Reserve Bank or the Treasurer is unable to determine the forwarding bank or depositor, a photographic copy of the check will be sent directly to the Federal Reserve Bank with request that an attempt be made to obtain refund. If refund is not made, the Treasurer will take such steps as he may deem necessary or advisable to protect the interests of the United States.

(4) In cases of checks raised or bearing a forged signature of the drawer, not discovered upon first examination by the Treasurer, and in other cases where the Treasurer's right to reclaim is in question, the checks will be forwarded to the Federal Reserve Bank as collection items with no charge in the account of the Federal Reserve Bank and credit will be given in the Treasurer's account only when payments are made by the indorsers of the checks. A photographic copy may be returned in lieu of the check if the latter is required for use in connection with a criminal investigation or legal proceeding.

(b) Checks drawn on the Treasurer of the United States payable through designated Federal Reserve Banks will be handled as follows:

(1) The designated Federal Reserve Bank will, as agent and in behalf of the Treasurer, pay any such check or return it to the bank or other party from which it was received by such Federal Reserve Bank. The designated Federal Reserve Bank will be expected to give immediate credit in the Treasurer's account for any such check payment of which is refused on first examination, thereby reversing the previous charge in his account for such check; but, if the check is required for use in connection with a criminal investigation or legal proceeding, the check will be sent by the designated Federal Reserve Bank to the Treasurer for that purpose, and a photographic copy of the face and back will be forwarded to the bank or other party from which such check was received.

(2) Any such check cashed or otherwise received at a branch of the designated Federal Reserve Bank or at some other Federal Reserve Bank will be forwarded to the designated Federal Reserve Bank for payment in accordance with subparagraph (1) of this paragraph.

(3) In the event that any check which has been paid by the designated Federal Reserve Bank in behalf of the Treasurer is subsequently found to bear a forged indorsement, or to bear any other material defect or alteration which was not discovered upon first examination, the amount of the check will be charged in the transit account of the Federal Reserve Bank which first received such check and a photographic copy thereof will be sent to the bank or other depositor which forwarded the check to such Federal Reserve Bank with request that the amount thereof be paid to such Federal Reserve Bank for credit in the account of the Treasurer of the United States. If such payment is not made, the Treasurer will take such steps against such forwarding bank, or other depositor, and prior indorsers as he may deem necessary or advisable to protect the interests of the United States. Unless such payment is made, the Federal Reserve Bank will not give credit in the Treasurer's account for the amount of such check. If the check was cashed by a Federal Reserve Bank or the Treasurer is unable to determine the forwarding bank or depositors, a photographic copy of the check will be sent to the Federal Reserve Bank which first received such check with request that an attempt be made to obtain refund. If refund is not made, the Treasurer will take such steps as he may deem necessary or advisable to protect the interest of the United States.

(4) In cases of checks raised or bearing a forged signature of the drawer, not discovered upon first examination by the designated Federal Reserve Bank in behalf of the Treasurer, and in other cases where the Treasurer's right to reclaim is in question, the checks will be forwarded to the Federal Reserve Bank which first received such checks as collection items with no charge in the account of the Federal Reserve Bank, and credit will be given in the Treasurer's account only when payments are made by the indorsers of the checks. A photographic copy may be returned in lieu of the check if the latter is required for use in connection with a criminal investigation or legal proceeding.

(c) Each Federal Reserve Bank will be expected to use ordinary care in the performance of its duties in connection with Government checks as set forth in this Part, and when acting as agent for the Treasurer of the United States will be liable only for its own negligence.

§ 202.26 *Active general depositaries.* The Treasurer of the United States reserves the right to examine Government checks covered by § 202.21 presented by depositary banks in accordance with the provisions of § 202.21 and to refuse payment thereof: *Provided, however,* That checks charged by active general depositaries in the Treasurer's account under the provisions of § 202.21, after having ascertained from the Treasurer that the balances to the credit of the signing officers are sufficient will not be refused payment except for alteration or forged signature of the drawer. The depositaries will be deemed to guarantee all prior indorsements thereon, including the indorsement of the drawer when the check is drawn in his favor.

The Treasurer of the United States will return to the forwarding depositary bank any check of which payment is refused. Such depositary bank will give immediate credit therefor in the Treasurer's account, thereby reversing the previous charge in his account of such check; but, if the check is required for use in connection with a criminal investigation or legal proceeding, the check will be retained by the Treasurer for that purpose, and a photographic copy of the face and back will be forwarded to the depositary bank.

In the event that any check which has been paid by the Treasurer is subsequently found to bear a forged indorsement or to bear any other material defect or alteration which was not discovered upon payment by the Treasurer, a photographic copy thereof will be sent by the Treasurer to the depositary bank which charged such check in the Treasurer's account, and the depositary bank will be expected to give immediate credit in the account of the Treasurer of the United States.

In cases of checks raised or bearing a forged signature of the drawer, not discovered upon payment by the Treasurer, and in other cases where the Treasurer's right to reclaim is in question, the checks will be forwarded to the depositary bank as collection items. A photographic copy may be forwarded in lieu of the check if the latter is required for use in connection with a criminal investigation or legal proceeding.

§ 202.27 *Banks presenting checks direct to the Treasurer.* Banks presenting checks payable in Washington, D. C., direct to the Treasurer of the United States, under special arrangements with the Treasurer, shall be deemed to guarantee all prior indorsements including that of the drawer when the check is drawn in the drawer's favor irrespective of whether a specific guaranty is incorporated in the bank's indorsement.

Return will be made to the presenting bank of any check of which payment is refused, in which case the bank will make refund before the close of the next business day to the Treasurer of the United States, and if refund is not made by the bank, the Treasurer of the United States is authorized to deduct the amount of the check from any amount that is due or may become due to the bank. If the check is required for use in connection with a criminal investigation or legal proceeding, it will be retained for that purpose and a photographic copy of the face and back will be furnished to the presenting bank.

In the event that any check which has been paid by the Treasurer is subsequently found to bear a forged indorsement, or to bear any other material defect or alteration which was not discovered upon payment by the Treasurer, a photographic copy of the check will be forwarded to the presenting bank with request for refund.

In cases of checks raised or bearing a forged signature of the drawer not discovered upon payment by the Treasurer, and in other cases where the Treasurer's right to reclaim is in question, the check will be forwarded to the presenting bank with a request for refund or collection, if possible. A photographic copy may be returned in lieu of the check if the latter is required for use in connection with a criminal investigation or legal proceeding.

§ 202.28 *One-year restriction on payment of checks.* After the expiration of one year following the close of the fiscal year (ending June 30) in which they are drawn, checks drawn on the Treasurer of the United States (including checks payable through designated Federal Reserve Banks) are not payable by him but should be transmitted to the Secretary of the Treasury, Division of Disbursement, for payment from the "Outstanding Liabilities" appropriation, accompanied by an application for payment over the signature and address of the owner of such checks: *Provided, however,* That the one-year restriction does not apply to checks issued on account of public debt obligations and checks issued on account of transactions regarding the administration of banking and currency laws.

OTHER PROVISIONS

§ 202.29 *Rescission of previous regulations.* All previous regulations and instructions inconsistent herewith are hereby rescinded.

§ 202.30 *Deposits by Government officers.* Except as herein otherwise provided, nothing contained in this part shall be deemed to affect deposits by Government officers to the credit of their official checking accounts with general and limited depositaries.

§ 202.31 *Deposit of public moneys outside the forty-eight States and the District of Columbia.* The provisions of this part do not apply to or govern the deposit of public moneys outside of the forty-eight States and the District of Columbia, except to the extent specifically extended by the Secretary of the Treasury from time to time.

§ 202.32 *Authority to waive, withdraw or amend the provisions of this part.* The Secretary of the Treasury may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-23147; Filed, Dec. 29, 1945; 11:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Operations Order 59-A]

MISSISSIPPI

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Lawrence W. Long, State Director of Selective Service for the State of Mississippi, I hereby order:

1. That Order of the Director—Operations Order No. 59, dated November 2, 1945, is hereby rescinded.

2. That the State Director of Selective Service for the State of Mississippi is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2, 3, 4, 5, and 6, of the State of Mississippi, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with the State of Mississippi.

3. That the present members of Boards of Appeal numbered 1, 2, 3, 4, 5, and 6 for the State of Mississippi are hereby transferred to the Board of Appeal for the State of Mississippi, and are assigned to groups of such Board of Appeal for the State of Mississippi, as shown on Exhibit A filed herewith.[1]

LEWIS B. HERSHEY,
Director.

DECEMBER 29, 1945.

[F. R. Doc. 45-23167; Filed, Dec. 29, 1945; 2:44 p. m.]

Chapter IX—Civilian Production Administration

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; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

[1] Filed as part of the original document.

PART 1001—TIN

[Conservation Order M-43, as Amended Dec. 29, 1945]

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

INDEX

§ 1001.1 *Conservation Order M-43—(a) What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Civilian Production Administration. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also prohibits sales and deliveries of jewelry and certain other articles containing tin. It also limits inventories of tin. Certain other orders of the Civilian Production Administration also restrict the manufacture and use of articles containing tin. The provisions of these other orders must also be followed.

In this amendment to Order M-43 some of its provisions have been rearranged. Restrictions on deliveries of pig tin are now contained in paragraphs (b) and (c) of the order. Paragraph (e) outlines the general restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing alloys formerly listed in List B.

In addition, certain special restrictions on the use of metals to which pig tin has been added are contained in paragraph (g). Other special restrictions on the use of tin in making certain products which were formerly contained in List A of the order now appear in paragraph (h). Restrictions on the sales and use of articles containing tin, some of which were formerly included in List A, are now covered in paragraphs (j) and (k) of the order. The Schedules to the order which describe the permitted uses of tin have also been rearranged. Schedule V which formerly covered the use of tin to repair gas meters has been superseded by item (b) (7) of Schedule II—Solder. Order M–115 which dealt with collapsible tubes has been revoked and the provisions dealing with the tin content and use of such tubes are now contained in item 2 of Schedule I. Similarly, Order L–103–b governing tin plate closures has been revoked and its provisions incorporated in item 5 of Schedule VI along with the other provisions relating to tin plate and terne plate.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Civilian Production Administration or the War Production Board, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars and ingots) produced from ores, residues or scrap.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended or to any agent of such a corporation.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 6,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Priorities Regulation 7 by an official duly authorized for that purpose:

I certify, subject to the penalties of Section 35 (A) of the United States Criminal Code, that I will use this pig tin for ---------- (specify end use) in accordance with Order M–43 or will resell it only in accordance with that order. I will not receive more than 6,000 pounds of pig tin from all sources in ---------- (specify month of delivery) including the amount covered by this order.

(Name of purchaser)

By----------
(Duly authorized official)

If the pig tin, or any portion of it, to be delivered under this subparagraph is to be exported outside the United States, its territories or possessions, or Canada, the purchaser (exporter) should state as the end use in the certificate the words "for export" and give the number of the export license.

(c) *Allocations of pig tin.* The Civilian Production Administration will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Civilian Production Administration not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form WPB–412. Except in unusual circumstances, the Civilian Production Administration will not allocate to a person for a calendar quarter an amount greater than the quantity he is permitted to melt or put in process during that quarter plus the quantity which he sold during the corresponding quarter of 1944 for small order sales under M–43. No larger quantity than this may be requested on the regular WPB–412 report, which should be marked "Regular Report." If a larger quantity than this is requested, a separate application on Form WPB–412 must be filed for the additional quantity, marked "Supplementary Application" and a statement should be attached giving a complete explanation of the reasons for the increase requested. The Civilian Production Administration may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Civilian Production Administration on Form WPB–412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 4,000 pounds or more of pig tin must report to the Civilian Production Administration on Form WPB–412 by the 20th of that month.

(3) Any person who uses 2,000 pounds or more of pig tin in any calendar month must report to the Civilian Production Administration on Form WPB–412 on or before the 20th of the following month.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing alloys.* No person may use any pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any britannia metal, pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, small bars, and ingots) produced from ores, residues or scrap. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) *Quota restrictions on the use of pig tin in manufacture.* Quotas are set in the schedules for certain of the items and for certain of the processes in which pig tin may be used. If a quota is set for an item or a process in the schedule, a maufacturer or processor must not use, in the manufacture of the item or in the process during any calendar quarter, more pig tin than the specified percentage of the amount he legally used for that purpose during the corresponding quarter of the year indicated. Manufacturers or processors who did not use pig tin during the year indicated as the base year in the manufacture of an item or in a process which is subject to a quota restriction (including persons who were not in business at that time) may nevertheless apply for a quota, and their applications will be considered on an equitable basis. Pig tin quotas established by Order M–43 as amended December 29, 1945 shall take effect January 1, 1946.

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) *Additional restrictions on the use of tin in making certain articles.* In addition to the restrictions in paragraphs (e) through (g), no person may use tin of any kind to make the articles listed below. This prohibition applies to any part of any of these articles, and applies to the use of pig tin, secondary tin, solder, tin plate, terne plate, tin plate or terne plate scrap or waste, and any other form of tin or alloy containing 1.5% or more of tin by weight.

1. Advertising specialties.
2. Art objects.
3. Band and other musical instruments except pipe organs.
4. Broom wire.
5. Buckles.
6. Buttons.
7. Chimes and bells.
8. Emblems and insignia.
9. Spiral binders, office and industrial staples, book match clips and paper fasteners.
10. Household furnishings and equipment.
11. Jewelry.
12. Novelties, souvenirs and trophies.
13. Ornaments and ornamental fittings.
14. Refrigerator trays and shelves.
15. Seals and labels.
16. Slot, game and vending machines.
17. Toys and games.
18. Tablets, markers and memorials.
19. Hardware of all kinds, except that designed for use on shipboard or locomotives.
20. Electrical and other fixtures.
21. Braces, handles and levers.

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not ap-

ply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced. Pig tin used in implements of war must be charged against any applicable quotas.

(2) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above.

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms. The standard certificate described in Priorities Regulation 7 may not be used in place of any of the certificates described in this order or its schedules.

(3) Notwithstanding the authorization by the War Production Board or the Civilian Production Administration of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Civilian Production Administration within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if the article contains tin plate or tin in any other form except solder used for joining purposes. No person shall sell or deliver any new article of the kinds listed below, if the article contains tin plate or tin in any other form except solder used for joining purposes, unless he has an authorization in writing from the Civilian Production Administration or the War Production Board for the sale or delivery. A person who wishes to get such an authorization should apply to the Civilian Production Administration by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin plate or tin in any other form except solder used for joining purposes, showing the quantity of each such item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin plate or any other tin except solder used for joining purposes, unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(l) *Limitation on inventories.* No person shall receive delivery of pig tin, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order. Forty-five days inventory of pig tin shall, for the purpose of this order, be deemed a practicable working inventory for any person except a manufacturer of tin plate as tin plate is defined in Schedule VI, as from time to time amended. Direction 2 to M-43 also contains restrictions on the inventories of solder, babbitt and other tin-bearing alloys.

Miscellaneous

(m) *Appeals and communications.* 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. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Civilian Production Administration, Tin, Lead, and Zinc Branch, Washington 25, D. C., Reference: M-43.

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

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys and other alloys containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	*Maximum permitted tin content (percent of tin by weight)*
Ointments and other preparations for opthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection	Unlimited
Preparations intended for introduction into the body orifices, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	7½%
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(b) *Pig tin quota:* 125% of the amount legally used in the corresponding quarter of 1944.

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	*Maximum permitted tin content (percent of tin by weight)*
(i) Electrotypers foil	16%
(ii) Dental foil	30%
(iii) Soft babbit for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ½ inch or less	50%
(v) Condenser foil for all other condensors	5%
(vi) Foil for aircraft magnetos	50%

(b) *Pig tin quota:* 110% of the amount legally used in the corresponding quarter of 1944.

(4) *Dairy equipment.* (a) Pig or secondary tin may be used to coat fluid milk shipping containers.

Pig tin quota: See Direction 3 to M-43.

(b) Pig or secondary tin may be used to manufacture dairy equipment other than fluid milk shipping containers.

Pig tin quota: The amount legally used in the corresponding quarter of 1944.

(c) Any dairy equipment may be retinned.

Pig tin quota: The amount legally used during the corresponding quarter of 1944.

(5) *Equipment for preparing and handling food.* (a) Pig or secondary tin may be used to coat or to retin any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food.

Pig tin quota: The greater of: (i) the amount legally used in the corresponding quarter of 1944, or (ii) 25% of the amount used in the corresponding quarter of 1940.

(b) Pig or secondary tin may be used to plate cutlery and flatware.

Pig tin quota: 25% of the amount used in the corresponding quarter of 1940.

(6) *Wire coating.* Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of .0320" nominal diameter or finer. If the wire to be coated is of a size larger than .0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual content with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(c) *Pig tin quota:* The amount legally used during the corresponding quarter of 1944.

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight and if the alloys are derived from secondary tin only.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries if they are produced from secondary tin only.

(9) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys if the tin content of the alloy does not exceed 30% of tin by weight.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight and if the tin is derived from secondary tin only.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of fusible alloys and dry pipe valve seat rings to the extent required to meet performance specifications with respect to the operation of the product in which the alloy is to be contained.

Pig tin quota: The amount legally used during the corresponding quarter of 1944.

(13) *Tin pipe and sheet.* (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) *Pig tin quota:* 130% of the amount legally used in the corresponding quarter of 1945.

(14) *Chemicals.* Pig tin may be reprocessed for use as laboratory re-agents and may be used in the manufacture of tin chemicals for use as laboratory re-agents for medicinal purposes and for use in plating processes where plating is permitted.

Pig tin quota: 200% of the amount legally used in the corresponding quarter of 1945.

(15) *Tin oxide.* Tin oxide may be produced from tin obtained from detinning used tin cans, or from sludges or secondary tin for use in the production of chrome green, pink, yellow and red colors.

SCHEDULE II—SOLDERS

(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below. However, if the solder is in wire form, solid or cored, not to exceed 5/32 inch in diameter and contains not more than 30% of tin by weight, any person may sell or deliver it to a wholesale distributor or retailer without getting any statement from him and the retailer may sell it to a user without getting any certificate from him.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of this order.

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator)	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator)	32%
(3) Soldering end seams on all solder seamed cans	26%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes (from secondary tin only)	4%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock and lap seams	5%
(6) For sealing milk cans	21%
(7) For all soldering on motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, copper tube joints and water service pipes refrigeration equipment, dairy equipment, and food processing equipment	40%
(8) For soldering stainless steel and monel	50%
(9) For soldering aluminum	60%
(10) For other hand soldering operations done either with a soldering iron or with a torch and wiping	35%
(11) For any other purpose (except items in paragraph (h))	30%

(c) *Pig tin quota:* 135% of the amount legally used in the corresponding quarter of 1944.

SCHEDULE III—BABBITT

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below.

No manufacturer of finished bearings containing babbitt metal of more than 10% tin by weight shall deliver such bearings to any user and no user shall accept delivery of such bearings from the manufacturer unless the user shall have furnished the manufacturer with the certificate set forth below.

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Civilian Production Administration, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of said Order M-43.

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads	Unlimited
(2) For the manufacture, repair, maintenance or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers or busses	90%
(3) For repair, maintenance or replacement in existing diesel engines, turbines, locomotive connecting rod or coupling rod bearings, irrigation water pumping engines and equipment, industrial engines, generators and motors in compressors or pumps used in the petroleum industry, in vessels or other shipping facilities, electric locomotives, electric traction motor bearings, stone crusher bearings, and saw mill and paper mill machinery	90%
(4) For all other purposes (except items in paragraph (h)) (from secondary tin only)	10%

(c) *Pig tin quota: 80% of the amount* legally used in the corresponding quarter of 1944.

SCHEDULE IV—BRASS AND BRONZE

A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment	20%
(3) For use as bearings and bushings	9%
(4) For bearings produced by process of powder metallurgy	10%
(5) For all other castings, except for items listed in paragraph (h) and no pig tin may be used to produce them	6%
(6) For production of or use in items listed in paragraph (h), provided that the tin used shall not be derived from pig tin	less than 1.5%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings. All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not special authorization from the Civilian Production Administration or the War Production Board, the supplier shall refuse the order.

(c) *Pig ton quota:* 50% of the amount legally used in the corresponding quarter of 1945.

B. WROUGHT ALLOYS

(a) Tin content. No person shall purchase or use and no supplier shall sell copper base wrought alloys containing more than 2% tin by weight for any purpose other than those listed below. The tin content of any such alloy shall not be more than the amount specified for the particular purpose.

	Maximum tin content (percent of tin by weight)
1. Fourdrinier wire, screen plates, Jordan and beater bars	8.0%
2. Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers	10.0%
3. For use as bearings, spectacle ware, and functional parts in all other items (except items in paragraph (h))	5.5%
4. All other (except items in paragraph (h)	2.0%

(b) *Melting scrap.* Except as specifically authorized in writing by the War Production Board or Civilian Production Administration, no person other than a brass mill shall melt or process (1) brass mill scrap containing in excess of 1.5% tin or (2) termination inventories of brass mill products containing in excess of 1.5% tin and which are being disposed of as scrap, nor shall any person dispose of either of such materials in any way other than by delivery to a brass mill.

(c) *Certificates.* Any person receiving wrought-copper base alloys containing more than 2% tin shall furnish his supplier with a certificate on his purchase order stating that he will use such alloy only as permitted by Conservation Order M-43, or that he will not dispose of said alloy without obtaining such a certificate from the person to whom he disposes of said alloy. All suppliers shall require such statements on all purchase orders.

(d) *Pig tin quota:* The amount legally used in the corresponding quarter of 1945.

SCHEDULE V WHICH FORMERLY COVERED USE OF TIN TO REPAIR GAS METERS HAS BEEN SUPERSEDED BY ITEM (B) (7) OF SCHELULE II

SCHEDULE VI—TIN PLATE, TERNE PLATE, AND TERNE METAL

(a) *Definitions*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

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

(b) *Tin content of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

Pig tin quota: The amount legally used in the corresponding quarter of 1945.

(c) *Tin content of terne metal.* Only secondary tin may be used to make terne metal.

(d) *Tin plate and terne plate may be used only for the following purposes:*

NOTE: Item 14 amended Dec. 29, 1945.

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1. Baking pans, domestic.	Electrolytic tin plate.	0.25 lb. per base box.
2. Baking pans for institutions and commercial bakers.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
3. Brushes, power driven.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terneplate.	
4. Cans.	As permitted by Conservation Order M-81 as amended.	
5. (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries.	Hot dipped tin plate.	1.50 pounds per base box.
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings); soup mix, cheese spreads; spaghetti and macaroni products, corn beef hash and sauerkraut.	Electrolytic tin plate.	0.50 pound per base box.
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments; penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products, aromatic chemicals; reagent chemicals; deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate.	0.50 pound per base box.
(d) Closures for home canning.	Electrolytic tin plate.	0.50 pound per base box.
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company, or for shipment outside the forty-eight States of the United States and the District of Columbia. (General exceptions for certain other governmental agencies are included in item 30 below.)	As specified.	
(f) Closures for steel drums.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
6. Carbide non-explosive emergency lights.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
7. Chaplets, skimgates and tin forms for foundry use.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
8. Cheese vats.	Hot dipped tin plate.	11 lbs. per base box.
	Reconditioned tin plate.	

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
9. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solder-ability.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
10. Cylinder liners for lard and fruit presses.	Hot dipped tin plate.	1.25 lbs. per base box.
11. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	3.30 lbs. per base box (2A charcoal). 0.50 lb. per base box.
12. Diamond cutting wheels.	Electrolytic tin plate. Reconditioned tin plate.	0.50 lb. per base box.
13. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
	Electrolytic tin plate. Reconditioned tin plate.	0.50 lb. per base box.
14. Equipment or appliance parts requiring solderable coatings.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
15 (a) Fuel tanks, except for automotive equipment.	Electrolytic tin plate. Short ternes. Long ternes. Reconditioned terne plate.	0.25 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
(b) Fuel tanks, for automotive equipment.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 6 lbs. per base box.
16. Gas mask canisters.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
17. Gas meters.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate.	3.30 lbs. per base box (2A charcoal). 0.50 per base box. 1.30 lbs. per base box. 4 lbs. per base box.
18. Heat exchangers.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
19. Integral parts of signal cells—but only for current collectors and baskets.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
20. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box.
21. Maple syrup evaporators.	Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box.
22. Oilers (excluding cans as defined by Order M-81).	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
23. Oil lanterns.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
24. Repair parts for domestic laundry equipment.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
25. Safety cans for inflammable liquids.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
26. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
27. Torpedoes for oil and gas well shooting.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
28. Vaporizing liquid fire extinguishers.	Hot dipped tin plate. Short ternes. Long ternes. Reconditioned terne plate.	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
29. Wick holders for oil stoves.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, the War Shipping Administration and the Veterans' Administration.	As specified (including performance specifications).	

(e) *Additional permitted uses.* Any person may use electrolytic tin plate waste-waste, hot dipped tin plate waste waste, terne plate waste, tin plate scrap, or terne plate scrap for any purpose except to make items listed in paragraph (h) of M-43. In addition any person may use tin plate or terne plate for any purpose except to make items listed in paragraph (h) of M-43 if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

[F. R. Doc. 45-23224; Filed, Dec. 29, 1945; 4:02 p. m.]

PART 1001—TIN

[Conservation Order M-43, Revocation of Direction 4]

ALLOCATION OF PIG TIN FOR BRASS MILL PRODUCTS

Effective January 1, 1946 Direction 4 to Conservation Order M-43 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by WPB or CPA under the direction. Beginning January 1, 1946 pig tin quotas for the production of brass mill products shall be in accordance with paragraph (d) of Part B of Schedule IV to Order M-43 as amended December 29, 1945.

Issued this 29th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-23225; Filed, Dec. 29, 1945; 4:02 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS [1]

[General Imports Order M-63, as Amended Jan. 2, 1946]

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

[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.

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 Civilian Production Administration 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 Civilian Production Administration.* 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 Civilian Production Administration 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 Civilian Production Administration 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 Civilian Production Administration, 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 Civilian Production Administration and to all orders and directions of the Civilian Production Administration 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 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 Civilian Production Administration, Imports Division, 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 Civilian Production Administration.

(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: Civilian Production Administration, 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 Civilian Production Administration 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 Civilian Production Administration 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 2d day of January 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A amended Jan. 2, 1946.

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	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and bagasse waste)	N. S. C.	8/5/43
Fish liver oil, n. e. s. (include halibut-liver oil)	2220. 250	1/12/44
Hides and skins:		
Buffalo hides dry and wet	0203. 000	1/13/42
	0203. 100	1/13/42
Buffalo hides (India water buffalo, for use in rawhide articles) dry and wet	0209. 000	9/16/44
	0209. 100	9/16/44
Calf, dry and wet	0207. 000	1/13/42
	0208. 000	1/13/42
Cattle hides, dry and wet	0201. 000	1/13/42
	0202. 000	1/13/42
Coat and kid skins, dry and wet	0241. 000	7/2/42
	0242. 000	7/2/42
Kip, dry and wet	0205. 000	1/13/42
	0206. 000	1/13/42
Sheep and lambskins:		
Pickled skins, not split, no wool	0234. 000	1/2/46
Pickled fleshers, split, flesh side	0234. 100	1/2/46
Pickled skivers, split, grain side	0234. 200	1/2/46
Jute manufactures:		
Waste bagging and waste sugar sack cloth	3243. 000	6/10/43
Jute yarns or roving, single	3244. 000	6/10/43
	3244. 100	6/10/43
	3244. 200	6/10/43
	3244. 300	6/10/43
Jute cordage, twine and twist of 2 or more yarns twisted together, size of single yarn or roving:		
Not bleached, dyed or otherwise treated	3245. 200	6/10/43
	3245. 300	6/10/43
	3245. 400	6/10/43
	3245. 500	6/10/43
Bleached, dyed or otherwise treated	3245. 220	6/10/43
	3245. 320	6/10/43
	3245. 420	6/10/43
	3245. 520	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	6/10/43
	3246. 100	6/10/43
Burlaps and other woven fabrics wholly of jute, n. s. p. f.	3247. 000	6/10/43
	3247. 200	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 paddings 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 sliver	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	4/2/43
	3249. 100	4/2/43
Lead:		
Bullion or base bullion	6504. 000	1/2/46
Pigs and bars	6505. 000	1/2/46
Reclaimed, scrap, dross, and lead n. s. p. f., except antimonial	6505. 100	1/2/46
Babbitt metal and solder	6506. 100	1/2/46
Alloys and combinations of lead, n. s. p. f., in chief value of lead	6506. 500	1/2/46
Alloys and combinations of lead, n. s. p. f., not in chief value of lead	6506. 900	1/2/46
Type metal and antimonial lead	6507. 000	1/2/46
Leather, unmanufactured:		
Goatskin and kidskin leather (except vegetable-tanned)	0333. 000–0333. 500 incl.	7/2/42
	0335. 400	7/2/42
	0340. 800	7/2/42
	0345. 200	7/2/42
	0345. 300	7/2/42
Leather made from hides or skins of cattle of the bovine species	0300. 100–0317. 900 incl	7/2/42
Rough tanned leather (incl India-tanned): Vegetable-tanned goat and sheepskins	0339. 000	7/2/42
	0339. 100	7/2/42

LIST A—Continued

Material	Commerce Import Class No.	Governing date
Maguey or cantala, unmanufactured	3409. 200	1/18/43
Manila or abaca cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns	3417. 095	6/28/43
	3417. 195	6/28/43
Manila or abaca fiber (except T grade tow)	3402. 300	4/28/43
Manila or abaca tow (T grade only)	3402. 500	4/28/43
Manila or abaca fiber manufactures (incl. all manila or abaca products)	N. S. C.	4/28/43
Molasses and sugar sirup	1640. 000	7/2/42
Rotenone bearing roots (cube root (timbo or barbasco), derris and tuba), crude and advanced	2210. 260	5/4/42
	2210. 300	5/4/42
	2220. 360	5/4/42
	2220. 370	5/4/42
Shark-liver oil, including oil produced from dogfish livers, n. s. p. f.	0808. 730	1/12/44
Sisal and henequen, unmanufactured (except flume tow and bagasse waste)	N. S. C.	1/18/43
Tin:		
Alloys, chief value tin, n. s. p. f. (including alloy scrap)	6551. 900	11/30/45
Bars, blocks, pigs, grain or granulated	6551. 300	11/30/45

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

LIST B

NOTE: "Congo gum copal" removed from List B Jan. 2, 1946.

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	Commerce Import Class No.	Governing date
Paper, standard newsprint	4711. 00	8/3/45

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

INTERPRETATION 1: Revoked June 4, 1945.

INTERPRETATION 2

The following official interpretation is hereby issued by the Civilian Production Administration with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M-63 (§ 1042.1) as amended.

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "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." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3: Revoked June 4, 1945.

[F. R. Doc. 46-86; Filed, Jan. 2, 1946; 12:00 m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[1] Amdt. 22]

IMPORTED SOUTH AMERICAN HORSE HIDES

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.

Table I of section 3.12 (a) is amended to read as follows:

TABLE I

Group	Average net landed weight in pounds	Price per pound net landed weight C & F Atlantic or Gulf port of entry
1	35¼ to 44¾	$0.105
2	Over 44¾ to 48½	.1125
3	Over 48½	.1175
Inservibles	All weights	.075

This amendment shall become effective January 3, 1946.

Issued this 29th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-23174; Filed, Dec. 29, 1945; 3:05 p. m.]

PART 1335—CHEMICALS

[MPR 354, Amdt. 7]

COPPER SULPHATE

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

Section 1335.1011 (a) (1) (iii) is amended to read as follows:

(iii) *Other containers.* For sales in bags, cartons, barrels and drums in sizes other than those for which base prices are specifically established in subdivision (i) or (ii) of this subparagraph (1), the base price per 100 pounds shall be the base price per 100 pounds established in

[1] 10 F.R. 1183, 2014, 4156, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601, 12812, 13271, 13692, 13826, 14506, 14742.

whichever one of such subdivisions is applicable for the same grade and quantity of copper sulphate in the most nearly similar type of container of the next larger size or, if there is no next larger size, of the largest size: *Provided*, That if the copper sulphate is packed in a manner other than solely in paper bags, or in barrels, cartons or drums the base price may be increased by the amount, if any, by which the reasonable value of the container or containers actually used exceeds the maximum price of the paper bag or paper bags otherwise applicable to the quantity of copper sulphate shipped in the package involved.

This amendment shall become effective January 3, 1946.

Issued this 29th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-23172; Filed, Dec. 29, 1945; 3:05 p. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5]

FOOD RATIONING FOR INSTITUTIONAL USERS

General Ration Order 5 is redesignated Revised General Ration Order 5 and is revised and amended to read as follows:

ARTICLE I—USERS AND ESTABLISHMENTS COVERED BY ORDER

Section 1.1 *What is an institutional use?* (a) Any use of sugar by a "person" in the preparation of food which he serves to consumers, or in the service of food to consumers is an "institutional use". However, such use of sugar in a household or farm is not an institutional use unless an average of seven or more people a day are served there, not counting those who maintain the household or farm, the members of their family, and their employees and servants.

(b) Any use of sugar for producing an article which is not served by the person who uses it, is an industrial and not an institutional use. For example, if sugar is used at a bakery to bake pies which it sells to consumers, such use is an industrial use since the bakery does not "serve" the pies. If, at the same place, pie is served to consumers who eat there, the use of sugar to make such pie is an institutional use.

(c) On and after May 1, 1943, any use of sugar for experimental, educational, testing or demonstration purposes is an industrial and not an institutional use.

SEC. 1.2 *What is an institutional user establishment?* (a) Any place where there is an institutional use of sugar is an "institutional user establishment".

(b) If the person who prepares the food does not serve it at a fixed location, the term "institutional user establishment" refers to his institutional use of food, and not to the place at which he happens to be serving it at any given time. For example, a caterer, or a person who prepares food and serves it from a mobile canteen or from a railroad dining car may have no fixed location such as a particular plant at which he served the food. In that case, this operation is regarded as his institutional user establishment.

(c) If a person prepares food at one place and serves it at another fixed place, any sugar used in its preparation is considered used in the establishment where he served it.

(d) If a person prepares food at a place where no food is served, and then serves that food somewhere else, the place where it is prepared is not an institutional user establishment. For example, if a person prepares food at a central kitchen where no food is served, and then sends it to his restaurant for service there, the kitchen is not an institutional user establishment, but the restaurant is.

(e) The same place may be both an industrial user establishment and an institutional user establishment. For example, if a bakery uses sugar to bake pies which it does not serve to consumers, and also to bake pies which are served to consumers who eat there, the bakery is both an industrial user establishment and an institutional user establishment.

SEC. 1.3 *Who is an institutional user?* (a) Any person who makes an institutional use of sugar is called an "institutional user".

ARTICLE II—GROUPS OF INSTITUTIONAL USER ESTABLISHMENTS

SEC. 2.1 *Institutional user establishments are divided into six groups.* (a) Institutional user establishments are divided into six groups:

(1) A "pooled book" group, called Group I;
(2) An "involuntary confinement" group, called Group II;
(3) A "general" group, called Group III;
(4) An "on the job feeding" group, called Group IV;
(5) A "hospital" group, called Group V;
(6) A "child feeding and school lunch" group, called Group VI.

(b) Establishments in Group I do not receive allotments of sugar, but may obtain sugar for preparation and service through the use of the "war ration books" of the persons eating there. Establishments in the other groups are given allotments of sugar.

SEC. 2.2 *Group I establishments and users.* (a) An institutional user establishment is in Group I if:

(1) Food is served in that establishment to persons who live there or who live in premises maintained by the institutional user in connection with it; and

(2) Fewer than fifty (50) persons, on the average, lived in the establishment (or in premises maintained in connection with it), during December 1942; and

(3) Eighty percent (80%) or more of the food services in the establishment during December 1942, were to persons who lived there (or in premises maintained in connection with it) for seven consecutive days or more, and who had eight or more meals a week there. In making the above determinations, members of the family, employees and servants must be included.

(b) Institutions of involuntary confinement (such as prisons, insane asylums and homes for delinquents) and also lake steamers, fishing vessels, tugs, barges, and other ships, are not in Group I even if they meet the above tests. Any other establishments which meet the above tests are in Group I, even if they also meet the tests for Group IV, V or VI.

(c) If an institutional user establishment was not in operation during December 1942, its figures during its last full calendar month of operations after January 1, 1942, are used for determining whether it is a Group I establishment. Its figures for that month are to be treated, for this purpose, just as if they were for December 1942.

(d) An institutional user may, if he desires, register and operate any of his institutional user establishments as a Group I establishment. However, if he does so, he must operate it on a "pooled book" basis and he cannot get an allotment for that establishment.

(e) Any institutional user who has an establishment in Group I is called a Group I institutional user with respect to that establishment.

SEC. 2.3 *Group II establishments and users.* (a) An institutional user establishment is in Group II if it is operated as a prison, jail, insane asylum, home for delinquents or other institution of involuntary confinement. (Public and private orphanages are included in Group II.)

(b) Any institutional user who has an establishment in Group II is called a Group II institutional user with respect to that establishment.

SEC. 2.4 *Group III establishments and users.* (a) All institutional user establishments not covered by sections 2.2, 2.3, 2.5, 2.6 or 2.7 are in Group III.

(b) Any institutional user who has an establishment in Group III is called a Group III institutional user with respect to that establishment.

SEC. 2.5 *Group IV establishments and users.* (a) An institutional user establishment is in Group IV, if it is operated by an employer, or by his employees or their representatives, principally for the purpose of feeding those employees in connection with their work. An institutional user establishment is also in Group IV if it is operated (by anyone) principally for the purpose of feeding employees of another person pursuant to a contract and if ninety percent (90%) or more of its services of food regularly are to the employees covered by that contract.

(b) Any institutional user who has an establishment in Group IV is called a Group IV institutional user with respect to that establishment.

SEC. 2.6 *Group V establishments and users.* (a) A hospital or other establishment principally engaged in the care and treatment of the sick is in Group V. (However, a hospital or similar establishment which is part of a prison, insane asylum, home for delinquents or other institution of involuntary confinement, or of a public or private orphanage, is in Group II.)

(b) Any institutional user who has an establishment in Group V is called a Group V institutional user with respect to that establishment.

SEC. 2.7 *Group VI establishments and users.* (a) An institutional user establishment is in Group VI if it is operated at a school, child care center, children's camp or similar establishment and if seventy-five percent (75%) or more of the services of food there are to children of 18 years or less.

(b) Any institutional user who has an establishment in Group VI is called a Group VI institutional user with respect to that establishment.

SEC. 2.8 *Institutional users who have establishments in more than one group.* (a) An institutional user who has estab-

lishments in more than one group is treated separately for each group (except for certain purposes in connection with registration and application for allotments).

ARTICLE III—REGISTRATION AND OPENING INVENTORY OF INSTITUTIONAL USERS

SEC. 3.1 *Institutional users required to register.* (a) Every institutional user was required to register with the Office of Price Administration, on OPA Form R–1307, at any time from March 1 to March 10, 1943, inclusive, or at such other time or times as may be designated by the Deputy Administrator for Rationing. (Seasonal users see section 10.1.)

(b) He, or his authorized agent, had to complete and sign two copies of the registration form, and file them with the Board for the place where his principal business office was located, and give all the information called for by the form. He is required to retain a third copy at all times at his principal business office.

(c) If an institutional user had establishments in more than one group, he had to give the information called for by the form separately for each group.

(d) An institutional user who had more than one institutional user establishment was required to either combine all his establishments in a single registration, or file a separate registration form for each. He was not permitted to combine some and register others separately. If he registered his establishments separately, the registration form for each establishment had to be filed with the Board where that establishment was located, and the third copy retained at all times at that establishment. If he combined all his establishments in a single registration, he was required to attach to the form a list of his establishments, showing the name and address of each and the group to which it belonged. However, if he operated mobile conveyances (such as ships, airplanes, dining cars or mobile canteens), he was not required to list them but simply to describe on the form the type he operated.

(e) If an institutional user who had more than one institutional user establishment registered them separately, each establishment was to be treated separately, for all the purposes of this and any other food rationing order, just as if it were operated by a different person. This rule applies to all operations under this order, except where specific provision to the contrary is made for establishments which are separately registered.

SEC. 3.2 *Opening inventory of sugar.* (a) At the time of an institutional user's registration, the amount of sugar, as of February 28, 1943, which the board or boards with which he was registered for sugar would have been required to deduct from certificates issued for his future institutional user allotments or allowances under Ration Order 3, was his "opening inventory of sugar". If the instiutional user was previously registered at a board or boards other than the one with which he was registered under this order, he was required to notify the latter board or boards of the board or boards with which he was registered and of his opening inventory of sugar at each of those boards.

(b) If an institutional user had establishments in more than one group, he was permitted to divide their opening inventory of sugar among the groups as he chose. If he had more than one establishment in a group, and registered them separately, he was permitted to divide his opening inventory of sugar among them, as he chose.

(c) An institutional user who registered on OPA Form R–310, as both an industrial and an institutional user of sugar, was permitted to divide his opening inventory of sugar between those uses in proportion to his use of sugar in each.

SEC. 3.3 *Late registration.* The District Office may, in its discretion, permit an institutional user to register after March 10, 1943. In such case, except for good cause shown, the allotment shall be reduced by an amount corresponding to the part of the period which has elapsed at the time of registration and no allotment shall be granted for any allotment periods which have expired prior to registration.

SEC. 3.4 *Correction of registration.* (a) A person who uses sugar for experimental, educational, testing or demonstration purposes and who had included such use in his registration as an institutional user shall correct his registration to exclude such use.

ARTICLE IV—GROUP I INSTITUTIONAL USERS

SEC. 4.1 *Group I institutional users get sugar by using "pooled" War Ration Books.* (a) Institutional users are not entitled to allotments of sugar for establishments in Group I. They may, however, get sugar for the preparation or service of food in Group I establishments through the use of the War Ration Books of the individuals eating there. The books of these individuals may be "pooled" with the institutional user who may act as their agent in acquiring sugar for service to them. Individuals eating in a Group I establishment may make such arrangement for the use of their War Ration Books by the person operating the establishment as may be mutually satisfactory. (However, they are not required to give up their books to him.)

SEC. 4.2 *Group I user accounted for opening inventory.* (a) An institutional user who had an opening inventory of sugar for his Group I establishment could not buy or acquire any more sugar until he gave up to the board currently valid stamps or coupons received by him, equal to that opening inventory. Only stamps taken from the War Ration Books of individuals eating in his establishment and only certificates received from those individuals could be given up by him.

ARTICLE V—ALLOTMENTS FOR INSTITUTIONAL USERS

SEC. 5.1 *Institutional users (other than Group I users) are entitled to allotments.* (a) Institutional users are entitled to allotments of sugar for establishments in all groups except Group I. (A Group I user is not entitled to allotments of sugar and the provisions of this order dealing with allotments do not apply to him except where specific provision is made for him.) An institutional user who was required to file the supplement to his registration (on OPA Form R–1307 Supplement) and failed to do so, is not entitled to any allotments until he furnishes the information called for by that form.

SEC. 5.2 *Allotments are given for two month periods.* (a) Allotments for institutional users are given for two month periods. The first allotment period was from March 1, 1943 to April 30, 1943, inclusive. Each consecutive two month period which follows is an allotment period.

SEC. 5.3 *Institutional users must apply for allotments.* (a) An institutional user must apply for an allotment for each period for which he needs one. (An institutional user may use sugar only up to the amount of the allotment he gets. His allotment establishes his right to use sugar—it is not just a method by which he gets that food. Therefore, he may need an allotment even if his stocks on hand are adequate.)

(b) Applications for allotments, beginning with November 1, 1945, are to be made to the District Office, in person or by mail, during the first fifteen (15) days of each allotment period, on OPA Form R–1309 (Revised). The District Office shall issue allotments on and after the sixteenth day of the allotment period. (Applications for supplemental allotments may, however, be made at the times and under the conditions specified in Article XI.)

(c) The District Office may, in its discretion, permit an application for an allotment to be made later than the time fixed in the last paragraph. In such case, it shall reduce the allotment by an amount corresponding to the part of the allotment period which has elapsed at the time of the application, except in cases where a petition for permission to file on a later date is granted in accordance with the next paragraph.

(d) An institutional user may apply, in writing, to the District Office for permission to file an application for allotments later than the time fixed in paragraph (b) if, because of the nature of his operations, he is unable to secure the information which he needs for that application in time to file them within the period permitted in paragraph (b). His application must state the address of each establishment and the reason why he cannot secure such information within the required time. If the District Office is satisfied that the nature of his operations is such that he cannot reasonably compile the information required on his application for an allotment within the first fifteen (15) days of an allotment period, it may extend his time for filing for such period of time as it finds necessary but not beyond the first thirty (30) days of the allotment period. (An institutional user who obtained permission from the Board to file later than the time fixed in paragraph (b), need not reapply for such permission under this section, as amended.)

SEC. 5.4 *Future allotment for certain institutional users.* (a) Because of transportation difficulties or unusually long distances from markets, some institutional users must obtain sugar to last more than one allotment period. When such institutional users apply for allotments, pursuant to section 5.3 (b), they may also apply, in writing, for allotments to be issued in later periods. The application must state why he should be permitted to apply for future allotments. An allotment to be used in a later allotment period is called a future allotment.) The District Office may, for good cause, permit an application for a future allotment to be made at any time.

(b) Each future allotment shall be equal in amount to the institutional user's last regular allotment. For example, on May 1 an applicant applies for a regular allotment of sugar for May and June and a future allotment for July and August. If his allotment for May and June is 500 pounds, the District Office may grant an allotment for an additional 500 pounds covering July and August.

(c) When an applicant who has received a future allotment next applies for a regular allotment, the District Office shall compute the regular allotment which he would have received for the allotment period covered by the future allotment. If the amount of the future allotment exceeds the amount of that regular allotment, the difference shall be deducted from the allotment for which he is applying. If the amount of the future allotment is less than the amount of the regular allotment which he would have been entitled to receive, the difference shall be added to the allotment for which he is applying.

SEC. 5.5 *Supplement to OPA Form R–1307.* (a) Between January 1, and February 1, 1944 each institutional user was required to file, for each establishment or group of establishments in Group III on January 1, 1944, a supplement to his original registration (OPA Form R–1307). Two copies of the supplement were required to be completed and signed by the institutional user or his authorized agent. He had to give the information required by that form.

(b) An institutional user who operates a hospital or other establishment principally engaged in the care or treatment of the sick was not required to give the information regarding dollar revenue required by that form.

(c) The terms "meal" and "meal service" are used in this order for convenience to cover any service of food other than a service of refreshment only. The term "food", when used alone, covers all food items and includes both meals and refreshments. OPA Form R–1307 supplement and R–1309 (Revised 3–44) used the terms "food services" and "persons served food". These terms, for the purposes of this order, have the same meaning as "meal services" and "persons served meals".

SEC. 5.6 *Reserve allotments for institutional users other than Group I.* (a) On February 15, 1944 a reserve allotment was granted to all institutional users, except Group I users.

(b) The reserve allotment for sugar was equal to 25% of the institutional user's regular allotment of that food for the January–February 1944 allotment period.

(c) A seasonal user who did not operate during the January–February 1944 allotment period is entitled to his reserve allotment when he applies for allotments for the period in which he will resume operations. His reserve allotment is equal to one-half of his bases for meal services and refreshments.

(d) An institutional user who commenced operation after January 1, 1944 and who was not granted a reserve allotment prior to May 1, 1944, is entitled to a reserve allotment equal to one-half of his bases for meal services and refreshments. A new user who commenced operations after September 1, 1945 and who was not granted a reserve allotment is entitled to a reserve allotment equal to his full meal and refreshment bases. Such reserve allotment is to be granted when he applies for allotments for the period following the one in which he commences operation, or on May 1, 1944, whichever is later.

(e) An additional reserve allotment is to be granted to all institutional users (other than Group I users) equal to twenty-five percent (25%) of the total meal and refreshment allotment for sugar for the September–October 1945 allotment period. It was issued at the time when regular allotments for the September–October 1945 allotment period were issued. A seasonal user who did not operate during that allotment period is to be granted his additional reserve allotment when he applies for an allotment in the first period in which he will resume operations. His additional reserve allotment is computed in the same way as his original reserve allotment.

ARTICLE VI—COMPUTATION OF ALLOTMENTS FOR GROUP II USERS

SEC. 6.1 *Allotment is computed on basis of number of persons served.* (a) An institutional user's allotment for establishments in Group II is based on the total number of persons he served there. In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. For example, a person who was served on thirty separate occasions is to be counted as if he were thirty persons.

SEC. 6.2 *Computation of allotments.* (a) The allotment of sugar for each allotment period shall be computed by multiplying the total number of persons served during the preceding allotment period by the allowance per person.

ARTICLE VII—COMPUTATION OF ALLOTMENTS FOR GROUP III, IV, V AND VI USERS

SEC. 7.1 *Group III, IV, V and VI users have a separate "base" for meals and for services of refreshments only.* (a) An institutional user has a base for "meal services" and a separate base "for refreshment services only" for his establishments in Groups III, IV, V and VI.

(b) His base for meal services is determined in the following way:

(1) The amount of sugar used there during December 1942 for meal services is multiplied by the "December use factor" fixed for sugar by the Office of Price Administration as set forth in a supplement to this order;

(2) The number of meals served there during December 1942 is multiplied by the "allowance per person" fixed for sugar by the Office of Price Administration, as set forth in a supplement to this order;

(3) The smaller of the two figures obtained under (1) and (2) above, is his "base" for meal services for sugar;

(4) The applicable "December use factor" and "allowance per person" in (1) and (2) above depend upon the percentage of bread, rolls, pies, cakes, pastries, doughnuts and crullers he served there during December 1942, that he himself baked for such service during that month. The tests for determining the factor and allowance per person that are to be applied appear in a supplement to this order.

(c) His base for services of refreshments only is determined by multiplying the amount of sugar used there during December 1942, for services of refreshments only, by the refreshment factor for sugar, as set forth in a supplement to this order.

(d) In counting the number of persons served (meals), anyone who was served more than once is to be counted separately for each occasion he was served. For example, a person who was served on thirty separate occasions is to be counted as thirty (30) persons.

(e) In counting the number of persons served (meals) and in determining the amount of sugar used during December 1942, services to Army, Navy, Marine Corps or Coast Guard personnel, messed under the command of a commissioned or non-commissioned officer, who were served pursuant to a written contract with an agency of the United States, are not to be included.

(f) Whenever the December use factor, the allowance per person or the refreshment factor for sugar is changed, the base of any institutional user effected by the change shall be recomputed when he next applies for his allotment. The recomputed base shall be used as his base for all purposes.

SEC. 7.2 *Institutional users who discontinue baking operations.* (a) An institutional user whose base for meal services was computed by using the higher factor and allowance for baking operations fixed in the supplement to this order, may, during the March–April 1944 period, or during a subsequent period, cease to bake the percentages of the baked goods he uses necessary to qualify for that factor and allowance set forth in the supplement. If he ceases, his meal service base shall be recomputed when he next applies for a regular allotment by using the lower factor and allowance fixed in the supplement for those who did not do enough baking to qualify. However this test shall not be applied to the transferee of an establishment until the end of his first full allotment period of operation.

SEC. 7.3 *Computation of meal service allotments for Group III users who charge.* (a) If an institutional user charges for meal services and did charge in the month used in determining his base, his allotment for meal services for his establishments in Group III, is determined by comparing his volume of business during December 1942 with his volume of business during the preceding period.

(b) If the number of meals served during the preceding period is less than twice the number of meals served in December 1942, his allotment for meal services is computed in the following way:

(1) The number of meals served during the preceding period is divided by the number of meals served during December 1942;

(2) The figure so obtained is multiplied by his meal service base;

(3) The result is his meal service allotment.

(c) If the number of meals served and his dollar revenue from meal services during the preceding period are both more than twice his corresponding figures for December 1942, his allotment for meal services is computed in the following way:

(1) The number of meals served during the preceding period is divided by the number of meals served in December 1942;

(2) His dollar revenue for meal services during the preceding period is divided by his dollar revenue for his meal services in December 1942.

(3) The smaller of the two figures obtained under (1) and (2) above is multiplied by his meal service base;

(4) The result is his allotment for meal services.

(d) In all other cases, his allotment for meal services is twice his meal service base.

(e) In counting the persons served (meals) and determining his dollar revenue, services to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer who were served pursuant to a written contract with an agency of the United States, are not to be included.

(f) Where an institutional user makes a combined charge for food and for lodging or for food and other services, his dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment and admission taxes, only that part of the charge which covers entertainment is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration of the part of the total charge which is for rent, that determination shall be used for the purposes of this paragraph.

SEC. 7.4 *Computation of meal service allotments for Group III users who do not charge.* (a) If a Group III institutional user does not charge for meal services, or did not charge during the month used in determining his base, his allotment for meal services for his establishments in Group III, is twice his meal service base for sugar. However, if the number of meals served during the preceding period is less than twice the number of meals served in December 1942, his allotment for meal services is computed in the following way:

(1) The number of meals served during the preceding period is divided by the number of meals served in December 1942;

(2) The figure so obtained is multiplied by his meal service base;

(3) The result is his allotment for meal services.

NOTE: A Group III user may not, under this section, obtain an increased allotment for a Group III establishment which made no charge for meal services.

SEC. 7.5 *Computation of refreshment service allotments for all Group III users.* (a) A Group III institutional user's allotment for services of refreshments only is computed by multiplying his refreshment base by a multiplier fixed for sugar in a supplement to this order. (The meal and refreshment allotments, once obtained, are treated as a single allotment.)

SEC. 7.6 *Computation of meal and refreshment allotments for Group IV, V and VI users.* (a) An institutional user's allotment for meal services for establishments in Group IV, V or VI is computed in the following way:

(1) The number of meals served during the preceding period is divided by the number of meals served during December 1942;

(2) The figure so obtained is multiplied by his meal service base for sugar;

(3) The result is his allotment for meal services.

(b) An institutional user's allotment for services of refreshments only for his establishments in Group IV, V or VI is computed by multiplying his refreshment base by a multiplier fixed in the supplement to this order. (The meal and refreshment allotments, once obtained, are treated as a single allotment.)

SEC. 7.7 *Ration checks or emergency acknowledgments issued by the armed services.* (a) Ration checks or emergency acknowledgments may not be issued by the Army, Navy, Marine Corps or Coast Guard or accepted by an institutional user for meals served on Government meal tickets.

SEC. 7.8 *Allotments for Group IV users who feed employees on board ships, boats, tugs and barges.* (a) A Group IV institutional user who operates an establishment on board ships, boats, tugs or barges is granted allotments on the basis of the number of persons to be fed there and the number of days the vessel will be in operation during the allotment period.

(b) A Group IV institutional user who operates more than one establishment must re-register separately each establishment or combination of establishments which qualifies under this section (so that the allotment can be used only for feeding the persons for whose benefit it is granted). Upon re-registration, any remaining excess inventory may be apportioned among those establishments, as he chooses.

(c) Application for allotments for those establishments shall be made to the District Office on OPA Form R–1334, and must give the information required by that form.

(d) The District Office shall grant him an allotment, computed in the following way:

(1) The total number of meals to be served during the allotment period is multiplied by the allowance per person using the regular or baking allowance, depending on his baking percentage. (The number of meals is determined on the basis of four meals per person for each day he is fed; for partial days of operation, one meal is figured for each six hours or fraction thereof of operation);

(2) The result is the allotment for the period.

(e) If he finds that he has to feed more persons during the period than he estimated in his original application he may apply in writing to the District Office for permission to correct his previous estimate, and for an additional allotment, on such basis, for the balance of the period. (A supplemental allotment under Article XI may not be granted for this purpose.)

(f) When he next applies for allotments, the District Office shall determine the allotment he would have been entitled to receive for the preceding period on the basis of his actual figures. If that amount is less than the amount he actually received, the difference shall be deducted from his next allotment.

ARTICLE VIII—INSTITUTIONAL USERS WHO DID NOT OPERATE DURING ALL OR PART OF DECEMBER 1942

SEC. 8.1 *Institutional users who operated during only part of December 1942.* (a) If an institutional user operated his establishment for only part of December 1942, the figures which determine his bases and allotments are to be converted to a full December basis in the following way:

(1) Each of his figures for December 1942 is divided by the number of days he operated or was open for business during that month;

(2) Each result is multiplied by the number of days he would have operated or would have been open for business during December 1942 if it had been a normal month of operation;

(3) The figures so obtained are treated as his figures for December 1942 for all the purposes of this order, just as if those were his actual figures.

SEC. 8.2 *Institutional users who did not operate in December 1942.* (a) If an institutional user did not operate his establishment during any part of December 1942 but did so at any time between January 1, 1942 and February 28, 1943, inclusive, the figures which determine his bases and allotments are taken from his most recent period of operations, instead of December 1942.

(b) His bases and allotments are to be determined from his figures for his last full calendar month of operation between January 1, 1942 and February 28, 1943,

inclusive. If he did not operate for a full calendar month, his bases and allotments are to be based on his actual figures for the last calendar month in which he operated. However, if the last calendar month is February 1943, his actual figures shall be converted to a full month basis in the way provided in section 8.1 for institutional users who operated during only part of December 1942.

(c) The figures so obtained are treated as his figures for December 1942, for all the purposes of this order just as if those were his actual figures for that full month.

ARTICLE IX—ISSUANCE OF RATION EVIDENCES

SEC. 9.1 *Institutional users may get ration evidences for their allotments.* (a) An institutional user who is given an allotment is entitled to ration evidences for the amount of his allotment, except as provided in section 9.2.

(b) If his opening inventory was less than his allotment for the first allotment period, he was entitled to receive ration evidences for the difference. He is entitled, for each subsequent allotment period, to ration evidences for the amount of his allotment for that period.

(c) Not more than six (6) ration checks are to be issued, regardless of the size of the allotment. They are not to be issued in fractions of pounds, but shall be issued to the nearest pound. On and after June 15, 1943, where the fraction is one-half, the check shall be issued to the next higher pound.

(d) If an institutional user has establishments in more than one group, his opening inventory and his allotments are determined separately for each group and he is to receive separate checks or coupons for each group. If he has registered his establishments separately, his opening inventory and his allotments are determined separately for each establishment and he is to receive separate checks or coupons for each.

(e) An institutional user who will not need his full allotment should apply for ration evidences only in the amount which he will actually need.

SEC. 9.2 *No ration evidences may be issued to an institutional user who has excess inventory.* (a) If an institutional user's opening inventory of sugar was larger than his allotment for the first allotment period, the difference was treated as excess inventory. He was not entitled to ration evidences for the first allotment period. He may not be given ration evidences until the total of his subsequent allotments exceeds his excess inventory, at which time he may get ration evidences for the difference.

SEC. 9.3 *Issuance of ration coupons.* (a) Institutional users who are not entitled to have ration bank accounts pursuant to section 16.2 or whose ration bank account has been closed under section 16.4 shall be issued "ration coupons" instead of ration checks. (Ration coupons may not be issued to an institutional user who is entitled to have an account even if he does not actually have one.)

SEC. 9.4 *Use of ration coupons.* (a) Wherever in this order an institutional user is required to surrender, deposit, issue or receive stamps or ration checks for sugar, ration coupons may be used and accepted instead. (However, ration coupons may not be used for an institutional user establishment which has a ration bank account. Any coupons received by that establishment must be deposited in its account.)

SEC. 9.5 *Issuance of ration checks.* (a) Ration checks shall be issued to all institutional users who are entitled to have ration bank accounts, even if they do not actually have one. If a District Office does not have a ration bank account of its own but is served by the account of a mailing center, such center shall issue a ration check whenever the District Office would be authorized to issue it.

SEC. 9.6 *Recapture of surplus inventory, ration evidences and bank balances*—(a) *General.* Between March 6, 1945 and May 1, 1945, the Boards were required, with respect to each institutional user, to recapture surplus inventory, ration evidences and bank balances. Any surplus which was not recaptured was charged as excess inventory, in addition to any excess inventory already charged against him.

(b) *Adjustment for certain Group IV users.* A Group IV institutional user was permitted to apply for permission to repay excess inventory charges resulting from the recapture provisions contained in this section. The application was required to be made to the District Office, on OPA Form R–315. The District Office was required to send the application to the Regional Office. If the Regional Office found that the denial of the application would result in public hardship and that there was no wilful intent to evade the obligation to repay the excess inventory under this section, it granted the applicant permission, in writing, to repay such charges in amounts, not less than 25% of his regular allotments, to enable him to continue operations. Such payments were required in addition to any payments of excess inventory resulting from other causes.

ARTICLE X—SEASONAL USERS

SEC. 10.1 *Seasonal users.* (a) An institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year.

(b) If a seasonal user applies for a regular allotment in any period, and he did not operate in both months of the preceding period, his figures for the last two calendar months (after February 28, 1943) in which he did operate instead of his figures for the preceding period, shall be used in determining his allotment. If those months were not full months of operation, his figures are converted to a full two months basis in this way:

(1) Each of those figures is divided by the number of days he operated in those months;

(2) Each result is multiplied by the number of days he would have operated in those months had both been full normal months of operation;

(3) The figures so obtained are used, for the purpose of this order, as if they were his figures for the preceding allotment period.

(c) If a seasonal user has not operated for at least two calendar months after February 28, 1943, his allotment shall be twice his base.

(d) A seasonal user who will not be in operation during the entire allotment period, must notify the District Office when he applies for his allotment, of the number of days he will not be in operation during that period, and his allotment shall be reduced proportionately.

(e) A seasonal user who has suspended operations temporarily may apply in writing for an allotment for the period in which he will resume operations at any time during the thirty (30) days before the date on which he will resume. (A seasonal user who was already granted an allotment for the allotment period following the one in which he suspended operations, under other provisions of this order, may not, of course, be granted another allotment.)

(f) A seasonal user who has combined in one registration establishments which he does not operate during the same months in the year, shall re-register those establishments when he next applies for an allotment. He shall either register them separately or combine in one registration those operated in the same months in the year. He must file with the District Office the information required by Part II of Form R–1307 Rev. and his sugar use for refreshment services, separately, for each establishment or combination of establishments. Where he combines some establishments in one registration, he must attach to his forms a list showing the name and address of each and the months in which it is operated. He may apportion any remaining excess inventory of the originally combined establishments among his establishments as re-registered.

(g) A seasonal user may be granted a single allotment covering more than one allotment period. However, that allotment may not cover more than ninety (90) consecutive days. If he applies for an allotment under this paragraph he must notify the District Office in writing of the number of days he will actually be in operation and the District Office shall increase his allotment proportionately. Any allotment granted under this paragraph shall be in lieu of any regular allotments that he may be entitled to under any other provisions of this order.

(h) When a seasonal user suspends operations, he must report in writing to the District Office the number of days that he was actually in operation during the allotment period in which he suspends operations. If he was not in operation during the number of days for which he obtained an allotment he must account for the difference. He shall surrender ration evidences (or be charged with excess inventary if he does not have all or part of such ration evidences), in an amount equal to the difference between his allotment as granted, and the allotment reduced in proportion to the number of days that he was not in operation.

SEC. 10.2 *Seasonal liquidation of inventory.* (a) Notwithstanding any provisions to the contrary in any ration order, an institutional user (other than a Group I user) who operates on a seasonal basis may, when he completes his season, transfer his remaining inventory of sugar to a retailer or wholesaler in exchange for stamps, ration checks or ration coupons.

(b) He shall turn in to the District Office for cancellation the ration currency received by him and notify the District Office of the name and address of the transferee. However, if he has a ration bank account, he shall deposit such ration currency received for sugar and he shall issue to the District Office a check in the amount of the ration currency so deposited. When he next resumes operations, the District Office shall issue to him, if he so requests, a check in the amount for which he surrendered ration currency for sugar.

SEC. 10.3 *A Group I seasonal user may obtain ration coupons in certain cases.* (a) A Group I institutional user is a seasonal user with respect to an establishment which is not in operation during every month of the year.

(b) A Group I seasonal user who must get sugar before the persons who will eat at his establishment will arrive, may apply for ration coupons for sugar to be used until he can obtain such food with the Ration Books of those persons. If, because of transportation difficulties or unusually long distances from markets, the applicant finds it a hardship to acquire a supply of sugar as each successive stamp or series of stamps in the Ration Books become valid, he may include in his application a request for ration coupons covering a longer period.

(c) Application must be made to the District Office on OPA Form R–1335 and must give the information called for by that form.

(d) The District Office may issue ration coupons for sugar in an amount computed by multiplying the non-baking allowance per person by the number of meals which it determines will be served during the period for which such coupons are required.

(e) An institutional user who has received ration coupons under this section must give up to the District Office stamps or coupons equal to the amount of the coupons issued to him. Only stamps taken from the Ration Books of the individuals eating at his establishment, or ration coupons received by them must be given up. He must give them up within sixty (60) days after receiving the coupons. However, the District Office may, for good cause, give him additional time.

(f) An institutional user who obtains an allotment pursuant to Article XXV of this order may not receive ration coupons under this section for the same purpose.

ARTICLE XI—SUPPLEMENTAL ALLOTMENTS

SEC. 11.1 *Institutional users may get supplemental allotments for meal services if operations increase.* (a) If an institutional user finds that, because of increased meal services, his allotment of sugar will be exhausted before the end of the current period, he may apply to the District Office on OPA Form R–1336 for a supplemental allotment for meal services and give the information required by that form. However, an institutional user is not entitled to a supplemental allotment for establishments in Group III if he does not charge for food, or did not charge during the month used in determining his base. (No supplemental allotments may be obtained under this article to provide for an increase in refreshment services only.)

SEC. 11.2 *Supplemental allotments for Group II users.* (a) If a Group II user applies for a supplemental allotment, the District Office shall grant it only if it finds that the number of persons he will serve during the current period will be more than ten percent (10%) larger than the number he served during the preceding period.

(b) The supplemental allotment is to be computed in the following way:

(1) The number of persons he served during the preceding period is subtracted from the total number he will serve during the current period;

(2) The difference is multiplied by the allowance per person for sugar;

(3) The result is the supplemental allotment to be granted.

SEC. 11.3 *Supplemental allotments for Group III users.* (a) If a Group III user applies for a supplemental allotment, the District Office shall grant it only if it finds that:

(1) The number of meals served during the current period and his dollar revenue from meal services will be more than ten percent (10%) larger than the corresponding figures during the preceding period; and

(2) He has already served eighty percent (80%) of the meals that he served in the preceding period and he has already received eighty percent (80%) of the dollar revenue from meal services that he received in the preceding period.

(b) The supplemental allotment is to be computed in the following way:

(1) The amount of the increase in the number of meals he will serve, as estimated by the District Office, is divided by the number of meals served during the preceding period;

(2) The amount of the increase in his dollar revenue from meal services, as estimated by the District Office, is divided by his dollar revenue from meal services for the preceding period;

(3) The smaller of the two figures obtained in (1) and (2) above is multiplied by his meal service allotment for the current period:

(4) The result is the supplemental allotment to be granted.

SEC. 11.4 *Supplemental allotments for Groups IV, V and VI users.* (a) If a Group IV, V or VI user applies for a supplemental allotment, the District Office shall grant it only if it finds that the number of meals he will serve during the current period will be ten percent (10%) larger than the number of meals served during the preceding period.

(b) The supplemental allotment is to be computed in the following way:

(1) The amount of the increase in the number of meals he will serve, as estimated by the District Office, is divided by the number of meals served in the preceding period;

(2) The figure obtained is multiplied by his meal service allotment for the current period:

(3) The result is the supplemental allotment to be granted.

SEC. 11.5 *Accounting for supplemental allotments.* (a) If an institutional user receives a supplemental allotment of sugar during the March-April 1944 period or during any subsequent period, it is added to his meal service allotment for that period. If the total is larger than the meal service allotment for the next period, the difference must be deducted from his allotment for that next period.

(b) The provisions of this section do not apply to supplemental allotments granted under section 11.6.

(c) Whenever the provisions governing bases or allotments are changed, supplemental allotments issued in the allotment period preceding the one for which the change is effective shall be accounted for in accordance with the provisions in effect for the period in which the supplemental allotment was issued. For example, if a user obtained a supplemental allotment in the May-June period and effective July 1, the bases are recomputed, the supplemental allotment obtained in the May-June period shall be accounted for on the basis of the base in effect for the May-June period.

SEC. 11.6 *Supplemental allotments for hospitals.* (a) An institutional user who operates a hospital or other establishment engaged in the care and treatment of the sick may apply for a supplemental allotment of sugar, if needed to meet the dietary requirements of the persons living and receiving care there. Application must be made in writing to the District Office. It must contain a statement by the superintendent or other executive officer, or by the physician in charge of the establishment, showing the reason why a supplemental allotment is required and the additional amount of sugar needed for that purpose.

(b) The District Office shall grant a supplemental allotment in the amount which it finds necessary to meet the dietary requirements of the persons living and receiving care in that establishment.

(c) An institutional user who has received a supplemental allotment under this section must report at the end of the allotment period in which it was granted, the amount, if any, which was not used for such purpose during that period. That amount shall be treated as excess inventory.

SEC. 11.7 *Supplemental allotments for user who has not operated in two months after February 1943.* (a) Until an institutional user has been in operation, after February 1943, in two calendar months prior to the allotment period in which application for a supplemental allotment is made, his eligibility to receive a supplemental allotment shall be determined, and such allotment shall be computed by using his figures for the base month mul-

tiplied by two instead of his figures for the preceding allotment period. (However, this section does not apply to a new institutional user's first period of operations, since he may apply in the same manner that he applied to be registered, for permission to correct his estimate of the number of meals to be served during that period, and for an additional allotment computed on the basis of his corrected estimate.)

ARTICLE XII—EMERGENCY ALLOTMENTS AND ADJUSTMENTS

SEC. 12.1 *Emergency allotments may be obtained to meet public emergencies.* (a) Upon the occurrence or eminence of a public disaster, such as a flood, fire or tornado, any institutional user or other persons who feed or is about to feed people who require assistance because of the disaster, may apply for an emergency allotment for that purpose. The application may be made in writing to the District Office and state the reasons why the sugar is required.

(b) If the District Office finds that the applicant needs an allotment for the purposes described in paragraph (a) above, it may grant the application and give him an allotment in the amount it finds necessary for those purposes. It shall issue ration evidences for the amount of the allotment.

(c) Within thirty (30) days after he has received the allotment, the applicant must report to the District Office which made the issuance the amount of the allotment he used for those purposes, and must return to that District Office ration evidences for any amount not so used. However, if the District Office finds that the emergency still exists, it may allow him to account at a later date.

SEC. 12.2 *Petitions for adjustment or for other relief.* (a) Any institutional user or other person desiring to become an institutional user may petition the District Office in writing for an adjustment of his base, or for any other relief. The petition shall state the name and address of the petitioner, the nature of the relief he seeks, the grounds on which the relief is sought, and other relevant facts. The District Office may request any additional information it considers pertinent.

(b) The District Office may act upon the petition if authorized by the Washington Office to do so; in all other cases the District Office shall forward the petition together with all other material received to the Regional Office. The Regional Office may act upon the petition if authorized by the Washington Office to do so; in all other cases the Regional Office shall forward the petition to the Washington Office for appropriate action. The Washington Office may act on the petition in such manner as it may deem necessary or appropriate and thereafter return the file to the District Office. Petitioner at any time may be requested to furnish additional information and to appear personally.

SEC. 12.3 *Petitions for refreshment base or adjustment.* (a) A Group IV, V or VI user may petition the District Office in writing for a refreshment base or for an adjustment of that base. He shall state facts showing that such relief is necessary to meet the nutritional need of the persons fed or is necessary because of the nature of their work. He shall follow the procedure set out in section 12.2. The District Office may grant a petition for a refreshment base or adjustment of a refreshment base if it finds that such relief is necessary to meet the nutritional needs of the persons fed or because of the nature of their work.

SEC. 12.4 *Petitions for adjustment of refreshment multiplier.* (a) An institutional user who had a refreshment base was permitted to apply before January 1, 1946, in writing, to the District Office to have his refreshment allotments computed by multiplying his refreshment base by the multiplier used for the corresponding period from July–August 1943 through January–February 1944. However, for the March–April allotment period the November–December 1943 multiplier was used, and for the May–June allotment period the September–October 1943 multiplier was used.

ARTICLE XIII—NEW INSTITUTIONAL ESTABLISHMENTS

SEC. 13.1 *New Group I establishments.* (a) Any person may operate a new Group I establishment if he first registers it by giving written notice to the District Office of his intention to do so. The notice must give the name and address of the establishment and his inventory of sugar, if any, for that establishment. (He shall not include in the inventory any sugar previously included in the inventory of any other establishment or any sugar acquired by him in exchange for stamps, ration checks or ration coupons.) That inventory shall be his opening inventory for that establishment.

SEC. 13.2 *New Group II establishments which are registering separately.* (a) A person who desires to operate a new Group II establishment, or who has two or more institutional user establishments which have registered separately, or who has one Group II establishment and will register the new establishment separately, must register the new establishment by applying to the District Office, in writing, giving the name and address of the proposed establishment, the date on which he expects to commence operations, the number of persons he expects to serve during the allotment period in which he commences operation, and his inventory of sugar, if any, for that establishment. His inventory of sugar, if any, shall be his opening inventory for that establishment. (He shall not include in the inventory any sugar previously included in the inventory of any other establishment or any sugar acquired by him in exchange for ration checks or ration coupons.)

(b) If the District Office finds that the new establishment will be a new Group II establishment, it shall grant an allotment for the allotment period in which he commences operations. It shall compute the allotment by multiplying the number of persons which it estimates will be served during that allotment period by the allowance per person.

(c) The institutional user shall, at the end of the period during which he commenced operations, report to the District Office the number of persons served by him during that period. If the number is less than the number the District Office estimated he would serve, the difference shall be multiplied by the allowance per person and the result deducted from his next allotment.

(d) Applications for allotments for subsequent periods shall be made on OPA Form R–1309 (Revised) in accordance with section 5.3.

(e) Allotments for the allotment period immediately following the one in which the institutional user commenced operations shall be computed in the following way:

(1) The number of persons he served between the date of registration and the end of the allotment period in which he registered is divided by the number of days he operated between those dates;

(2) The figure so obtained is multiplied by 60;

(3) The result is multiplied by the allowance per person. This figure is the amount of his allotment.

(f) Thereafter, allotments shall be computed in accordance with section 6.2.

SEC. 13.3 *New establishments which are registering separately.* (a) A person who desires to operate a new Group III establishment in which a charge will be made for the meals served, or a Group IV, V or VI establishment, and who has no such establishment or who has two or more such establishments which have been registered separately, or who has only one such establishment and will register the new establishment separately, must apply to the District Office on OPA Form R–1307 (Revised) and give the information called for by Part I of that form.

(b) If the District Office is satisfied that the establishment will be a new Group III establishment at which a charge for meal services will be made, or a new Group IV, V or VI establishment, it shall give the applicant a meal service allotment (but none for refreshment services) for the thirty (30) days following the opening of the establishment.

(c) The amount of his allotment for the first thirty (30) days will be determined on the basis of allotments granted to comparable or similar establishments as follows:

(1) The base of the comparable establishment is divided by the number of meals served in that establishment's base month;

(2) The result is multiplied by the number of meals to be served during the proposed establishment's first thirty (30) days.

(d) The District Office shall then issue any ration evidences to which the applicant may be entitled.

(e) At the end of the first thirty (30) days, he shall report to the District Office on OPA Form R–1307 (Revised), the information called for by Part II of that form. The District Office shall then com-

pute a meal service base in the following way:

(1) The number of meals actually served is multiplied by the result arrived at in (c) (1);

(2) His use of sugar is determined in pounds;

(3) The lower of the figures obtained in (1) and (2) is his meal service base.

(f) The meal service allotment of sugar for the remainder of the allotment period following the first thirty (30) days shall be pro-rated on the basis of the number of days remaining in that allotment period. The allotment for the following allotment period shall be twice his sugar base. The allotment for subsequent periods shall be computed in the same way as the allotments of other users.

(g) If the number of meals actually served in the first thirty (30) days is less than the number of meals that the District Office estimated he would serve, his next allotment shall be reduced by the difference between the amount of the allotment as granted by the District Office and the amount he would have been entitled to obtain on the basis of the number of meals actually served.

SEC. 13.4 *Combined registration of new institutional user establishment.* (a) A person who desires to operate a new institutional user establishment, other than a Group I establishment, to be registered together with one or more other establishments of the same group which he already operates, must notify the District Office of his intention to do so and of the address of the proposed establishment. This shall constitute registration on the form already filed for his other establishments. No separate allotment will be granted for the new establishment. He may, however, apply for a supplemental allotment, and the District Office is authorized to grant it to him, disregarding the percentage limitations imposed by sections 11.2 (a), 11.3 (a) and 11.4 (a).

SEC. 13.5 *Where new establishments are registered.* (a) If an institutional user already has two or more establishments which are registered together he shall register a new institutional user establishment together with his other establishments and at the same District Office. If he already has institutional user establishments registered separately, the new establishment shall be registered separately with the District Office where it will be located. If he has only one other establishment he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the District Office for the area where his principal office is located. If he registers them separately, registration shall be at the District Office for the area where the establishment will be located.

SEC. 13.6 *Occasional users.* (a) A person who makes an institutional use of sugar on not more than thirty-six (36) days in any year, and on not more than seven (7) consecutive days at any time, and who will make a charge for meal services is an "occasional user."

(b) After January 1, 1945 an occasional user who is not already registered as an institutional user must apply for allotments of sugar under this section. He may apply for an allotment within thirty (30) days before the date on which he will make a service of food. The application may cover more than one day in a single allotment period or a number of consecutive days in two allotment periods. The application must be made to the District Office on OPA Form R–1337 and must give the information required by that form.

(c) If the District Office finds that the applicant is an occasional user, it shall grant him an allotment of sugar for meal services (but not for refreshment services) for the period covered by the application, and shall issue any ration evidences to which he may be entitled.

(d) The amount of the allotment shall be computed by multiplying the number of meals to be served during the period covered by the application, as estimated by the District Office, by the allowance per person as fixed in the supplement, using the regular or baking allowance depending on his baking percentage. However, if the amount of sugar which the applicant estimates he will need is less, the lesser amount shall be the amount of the allotment.

(e) Within ten (10) days after he makes the last service of food during the period covered by the application, he must report to the District Office the number of meals actually served. If the amount of the allotment is greater than the figure obtained by multiplying the number of meals actually served by the applicable allowance per person, he must surrender to the District Office ration evidences for the difference at the time he makes this report. If he does not surrender sufficient ration evidences to the District Office, he shall be charged with excess inventory for any difference.

ARTICLE XIV—APPEALS

SEC. 14.1 *Appeals.* (a) Any person directly affected by any action of a District Office or Regional Administrator, under this order, may appeal, in accordance with the provisions of Procedural Regulation No. 9.

(b) This section shall not apply to any action on a petition made pursuant to section 12.2, except action taken by an official who has been authorized by the Office of Price Administration to grant or deny such petition.

ARTICLE XV—ACQUISITION AND USE OF SUGAR

SEC. 15.1 *Acquisition of sugar.* (a) An institutional user may acquire sugar only in the way provided in Third Revised Ration Order 3 and he shall surrender ration evidences and shall issue ration checks only for the purposes permitted and with the effect provided in such order.

SEC. 15.2 *Use of sugar.* (a) No institutional user (other than a Group I user) may use more sugar during an allotment period than the amount of his sugar allotment for that period plus the amount of any unused part of his sugar allotment for earlier periods. This restriction does not apply, however, to sugar used for food services to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or noncommissioned officer pursuant to written contract with an agency of the United States.

SEC. 15.3 *Restriction on use of sugar and ration evidences.* (a) No institutional user may use for any purpose other than an institutional use any sugar included in his opening inventory, or any sugar acquired for institutional use.

(b) An institutional user may not transfer to, or use for, any institutional user establishment sugar, War Ration Books, stamps, ration coupons, ration checks or "ration credits" acquired for another institutional user establishment, unless both establishments are in the same group (other than Group I) and are registered together.

(c) An institutional user may use imported sugar-containing products, as defined in Article XI of Third Revised Ration Order 3, only in accordance with the provisions of that order and shall make and keep the records and furnish the reports required by that order.

SEC. 15.4 *Institutional users may transfer sugar in certain cases.* (a) (1) An institutional user (other than a Group I user) who desires to sell or transfer any of his excess inventory of sugar, may apply in writing to the District Office for permission to do so. The District Office shall grant the application if good cause is shown. If the application is granted, the sugar must be sold or transferred for stamps, ration coupons or checks in the same way that a retailer is permitted to sell or transfer that food. Within five (5) days after the sale or transfer, the transferor must give up to the District Office all ration evidences which he received for the sugar delivered. The District Office shall reduce his excess inventory of sugar in an amount equal to the evidences surrendered.

(2) The same rules apply to Group I institutional users who have a remaining opening inventory of sugar.

(b) An institutional user who operates a railway dining car or railway terminal dining facilities may sell or transfer sugar to other such institutional users for use at establishments of that type. Such sale or transfer may be made only in exchange for ration coupons or ration checks equal in value to the sugar sold or transferred. Both the transferor and transferee must keep a record of the transfer, showing the name and address of the transferor and transferee, the date on which the sugar was sold or transferred, the quantity of sugar transferred and the amount of the ration coupons or ration checks received. The transferor may use any coupons or ration checks so received.

SEC. 15.5 *Deductions.* (a) Any institutional user who acquires sugar without surrendering stamps, ration coupons or ration checks, and who is not required by Third Revised Ration Order 3 or by any other provision of this order to account, or to turn over to the Office of Price Administration stamps, or ration checks, for the sugar so acquired, must report to the District Office in writing

such acquisition and the amount acquired. Group II, III, IV, V and VI institutional users shall make the report when applying for their next allotments; Group I institutional users shall make the report within ten (10) days after the acquisition. The amount so obtained shall be treated as excess inventory in the case of institutional users other than Group I, and as opening inventory in the case of a Group I user.

ARTICLE XVI—RATION BANK ACCOUNTS

SEC. 16.1 *What a ration bank account is.* (a) A ration bank account is very much like an ordinary checking account. An institutional user who opens a ration bank account deposits in it coupons and ration checks issued to him, and issues ration checks drawn on it to transfer ration credits. The rules governing the opening and use of ration bank accounts are contained in Article XV of Third Revised Ration Order 3.

SEC. 16.2 *Who may open ration bank accounts.* (a) An institutional user (other than a Group I user) who served 3,000 or more persons in December 1942, or in any month from March 1943 on, may open and keep an account for sugar. (Other institutional users may not.)

(b) If the establishments of an institutional user (other than a Group I user) are separately registered, he may open separate accounts for any one or more of his establishments at which he served 3,000 or more persons. He may not use the same account for more than one establishment.

(c) Any institutional user (other than a Group I user) who is eligible to open a ration bank account and who has combined his establishments in one registration, may open one account for all of his combined establishments or a separate account for each or for any combination of them. No account may be opened for, or serve, establishments in more than one group. If an account is opened pursuant to this paragraph for any establishment in a group, all other establishments in that group must also have an account or accounts.

SEC. 16.3 *Use of ration bank accounts.* (a) An institutional user who has an account may deposit in it ration coupons issued to him only in the form and during the periods prescribed by Third Revised Ration Order 3. Ration checks issued to him may be deposited at any time.

(b) An institutional user may issue checks drawn on his account only for the purposes permitted and with the effect prescribed by Third Revised Ration Order 3. Ration credits may be transferred by the use of a ration check, without the delivery of sugar between accounts of establishments in the same group which are registered together.

(c) An account opened by an institutional user may be used only for his operations as an institutional user. It may not be used for his operations in any other capacity, as for example, an industrial user or wholesaler.

(d) If an institutional user who has more than one establishment registered together and who has more than one account for sugar for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

SEC. 16.4 *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a District Office is notified by a ration bank that an institutional user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the institutional user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the District Office of that fact within five (5) days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4);

(4) That his account will be closed and his ration banking privileges will be withdrawn unless he repays the amount of all overdrafts on that account before the day after the beginning of the allotment period after the one in which he received the notice of the overdraft. (However, if the user has been given permission to apply for allotments under section 5.3 (d) later than fifteen (15) days after the beginning of an allotment period, the time for repayment shall be extended through the last day on which he is thus permitted to apply for an allotment);

(5) That he must give to the District Office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of ration evidences at least equal to the amount of the overdraft.

(b) If an institutional user fails to repay all overdrafts on the account in question within the time specified in the notice, the District Office shall instruct the bank to close the user's account. If the user has more than one establishment registered together and has more than one account for the food for those establishments, the District Office shall instruct each of the banks where such an account is kept to close it. The District Office shall notify the user of the closing of the account or accounts. Upon receipt of such instructions and notices:

(1) The bank shall close the institutional user's account and shall notify the District Office of the balance in the account as of the time it was closed;

(2) The user must give up to the District Office all ration checks and check books he has for the rationed food in question;

(3) The District Office shall charge the amount of the remaining overdraft to the institutional user as excess inventory.

(c) If an institutional user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the District Office in the way described in paragraph (b). If an institutional user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the same account the District Office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his later overdraft is on the same account.) If he does not satisfy the District Office within five (5) days after receipt of this notice that his account is not overdrawn, the District Office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b).

(d) When an institutional user's ration bank account has been closed under this section, the District Office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that his right to use ration checks, and to surrender ration evidences after he acquires sugar, is restricted in the way provided in this section.

(e) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any institutional user of this order or any other rationing order of the Office of Price Administration.

ARTICLE XVII—PERSONS LIVING IN INSTITUTIONAL USER ESTABLISHMENTS

SEC. 17.1 *A person who lives in an institutional user establishment must give up his Ration Book.* (a) A person who lives in an institutional user establishment (other than a Group I establishment), or in premises maintained in connection with it, for seven consecutive days or more, and who takes eight or more meals a week there, must turn over his Ration Book containing stamps designated for the acquisition of sugar to the institutional user who operates the establishment. If he makes arrangements in advance to live there for seven consecutive days or more and to take eight or more meals a week, he must turn over the books before the week begins. Otherwise, he must turn them over as soon as he has lived there for seven consecutive days and has eaten, during that period, eight or more meals.

(b) An institutional user who operates an establishment (other than a Group I or II establishment) in which fewer than fifty (50) people regularly live must get the Ration Books of all persons who live in the establishment (or in premises maintained in connection with it) for seven consecutive days or more and who eat eight or more meals a week there. He must take the book from any person who makes arrangements in advance as soon as the week begins. Other-

wise, he must get the book as soon as the person has lived there for seven consecutive days and has, during that period, eaten eight or more meals. He may not serve food to any person who does not turn over his Ration Book containing stamps designated for sugar when required to do so by this order. The obligations imposed on an institutional user by this paragraph do not apply to one engaged in the care and treatment of the sick insofar as the patients are concerned. (However, the patient must comply with paragraph (a) in any event.)

(c) An institutional user who operates an institutional user establishment (other than a Group I establishment) in which fifty or more people live, must accept and hold Ration Books which are turned over to him by persons who live there.

(d) An institutional user (other than a Group I user) must remove from Ration Books turned over to him, sugar stamps which expire while he has them. He must surrender to the District Office all stamps so removed, at the time of his next application for an allotment and in any event, not later than five days after the beginning of the next allotment period. He must not use those stamps for any purpose, nor may he deposit them in any ration bank account.

(e) A Ration Book shall be returned, temporarily, to the person from whom it was received for use in obtaining another Ration Book or similar book.

(f) The Ration Book, with stamps detached as required above, must be returned to the person from whom they were received when he leaves the establishment or stops taking eight or more meals a week there.

ARTICLE XVIII—REPORTS AND RECORDS

SEC. 18.1 *General.* (a) All institutional users shall maintain such records and make such reports as this order requires and as the Office of Price Administration may, from time to time require subject to the approval of the Bureau of the Budget. Such records shall be maintained for a period of not less than two years and shall be available during such period for inspection by the Office of Price Administration, through any authorized representative, at any reasonable time.

SEC. 18.2 *Records required.* (a) Every Group II institutional user shall keep a record for each establishment showing by calendar months the total number of persons served.

(b) Every institutional user (other than a Group I and II user) shall keep records, for each establishment or group of establishments, showing for each allotment period.

(1) The total number of persons served;

(2) The number of persons served refreshments only;

(3) The number of persons served meals.

In addition, a Group III user shall maintain records of

(4) The combined gross dollar revenue from meal services and services of refreshments only (dollar revenue from alcoholic beverages is not included);

(5) The gross dollar revenue from services of refreshments only (dollar revenue from alcoholic beverages is not included);

(6) The gross dollar revenue from meal services.

(c) An institutional user is deemed to comply with the provisions of paragraph (b) if he keeps records in one of the following ways:

(1) A record showing for each day during the allotment period, the items described in paragraph (b);

(2) A record showing for each day during a representative full week in each allotment period, the items described in paragraph (b), and a record for the allotment period of total persons served, and, in the case of a Group III user, total dollar revenue. He obtains the figures for the allotment period in the following way:

(i) He determines the percentage of persons served meals and persons served refreshments and, in the case of a Group III user, the percentages of dollar revenue for each type of service in the representative week;

(ii) He applies the percentages obtained in (i) to the total persons served, and in the case of a Group III user, to his total dollar revenue, for the allotment period. The results are his figures for that period.

(3) A record showing, for each day during a representative full week in each allotment period, all the items described in paragraph (b), a determination of his "average check" during that week, and a record of total dollar revenue for the entire allotment period. (His "average check" is the figure obtained by dividing the total dollar revenue by the total persons served in the representative week). He obtains the figures for the allotment period in the following way:

(i) He divides his total dollar revenue for the allotment period by his "average check". The result is his total persons served for the allotment period;

(ii) He determines the percentage of persons served meals and persons served refreshments and the percentage of dollar revenue for each type of service in the representative week;

(iii) He applies the percentage obtained in (ii) to his total persons served and total dollar revenue for the allotment period. The results are his figures for the allotment period.

NOTE: The method described in (3) is applicable only to Group III institutional users.

(d) Every institutional user who will use the methods described in (c) (2) or (3) must notify the District Office of the method and week selected when he applies for his allotment for the first period in which he will use one of those methods. He must use the method described in (c) (1) until he has so notified the District Office. (A user who commences operations after March 1, 1945, may not use the methods described in (c) (2) or (3) with respect to his initial allotments received under section 13.3.) A user who will use the methods described in (c) (2) or (3) must, in each subsequent allotment period, use the same method for keeping records. The representative full week in each subsequent allotment period shall be the week corresponding to the week so selected. If the District Office finds the week so selected is not representative of his operations, it may select another week as representative, which he must use instead. If the District Office finds that, because of the nature of the user's operations, no week can be properly considered representative, the user may not use either of the methods described in paragraph (c) (2) or (3).

(e) An institutional user may apply to the District Office, in writing, for permission to use a method other than those described in paragraph (c). His application must describe the method proposed. If the method is one involving a representative full week, less than once in each allotment period, and if the District Office finds that for two or more allotment periods the difference between the percentage of his refreshment services as compared with his total services is less than five percent (5%), it may authorize him to use a method involving a single representative week to cover more than one such allotment period but in any event not less than three times in any year. If an institutional user applies for permission to use any other method, the District Office may not act on such application but shall send the application, through the Regional Office to the Washington Office for decision, or take such other action as the Washington Office may direct.

(f) A Group IV user operating an establishment on board a ship, boat, tug or barge is not required to keep, for that establishment, the records described in paragraph (b).

(g) An institutional user who has no meal service base is not required to keep the records described in paragraph (b). He must, however, keep a record of the amount of sugar he acquired in each allotment period.

ARTICLE XIX—PROHIBITIONS

SEC. 19.1 *Prohibitions.* (a) No person shall use stamps, war ration books, ration coupons or ration checks unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall offer, solicit, attempt or agree to do or assist in doing any act in violation of this order.

(c) No person shall, in any registration, report, application or other statement or record made pursuant to this order make any untrue statement of fact or omit to state any fact which is required to be stated or which is necessary to make any statement not misleading.

ARTICLE XX—ENFORCEMENT

SEC. 20.1 *Suspension orders.* (a) Any person who violates this order may by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or from selling or using or otherwise disposing of, sugar. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest to promote the national security.

ARTICLE XXI—SPECIAL PROVISIONS GOVERNING CERTAIN PERSONS AND AGENCIES

SEC. 21.1 *To whom this order does not apply.* (a) This order does not apply to the Army, Navy, Marine Corps, Coast Guard, the Office of Lend-Lease Administration, the Department of Agriculture, War Shipping Administration, the Maritime Commission, the Panama Canal, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development of the United States. (Those users obtain sugar in accordance with Third Revised Ration Order 3.)

SEC. 21.2 *Ships' stores for ocean-going vessels*—(a) *The owner of the vessel must get a statement from the Collector of Customs.* Any person who operates an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise, or intercoastal trade, and who needs sugar as ships' stores, must get a statement signed by the Collector of the Customs (or his deputy) authorizing the operator of the vessel (or his agent) to acquire a specified amount of such food as ships' stores. He is not required to register such operation with a District Office under this order.

(b) *Acquisition of sugar by the owner of the vessel.* The operator of the vessel (or his agent) may, without giving up stamps, ration coupons or ration checks, acquire sugar up to the amount shown on the Customs Collector's statement, by giving the statement to the person from whom he acquires the food.

SEC. 21.3 *Planes' stores for certain airplanes.* (a) Any person who operates an airplane engaged in the transportation of cargo or passengers on flights to places outside the United States and who needs sugar as planes' stores may acquire such food in the same manner as ships' stores may be acquired under section 21.2. However, if no Customs Collector or deputy is stationed at the field from which the airplane departs, the Army, Navy, Marine Corps, or Coast Guard officer in charge of the field may issue the statement described in section 21.2 (a). The operator is not required to register this operation with a District Office under this order.

SEC. 21.4 *Operating inventory for planes' stores.* (a) A person operating an airplane engaged in the transportation of cargo or passengers on flights to places outside the United States, who needs to keep a stock of sugar for planes' stores because he cannot conveniently acquire sugar each time he receives a statement pursuant to section 21.3 may apply to the Washington Office for an operating inventory of such food. The application shall state the amount of sugar, in pounds, used by him as planes' stores on such flights during the calendar month preceding the month in which he makes the application. It shall also state his inventory of sugar (including all he has on hand or in transit to him, and the value of any unused evidences issued to him) for planes' stores.

(b) If it finds that the applicant needs such a stock of sugar, the Washington Office will allow him an operating inventory of sugar equal to three (3) times the amount used by him as planes' stores during the calendar month preceding the month in which he made his application, and will issue ration evidences for the amount of such operating inventories granted less the amount of his inventory.

(c) A person to whom an operating inventory of sugar has been granted may use that inventory only up to the amount of the statements he receives for that food pursuant to section 21.3. (He may use those statements to replenish his inventory.)

SEC. 21.5 *Change of registration to exclude food service on flights outside the United States.* (a) Any institutional user who included in his registration under this order, dollar revenue, December use, or number of meals served, with respect to food consumed from planes' stores aboard planes on flights to places outside the United States, shall change his registration to exclude such service. His sugar base shall be recomputed on the basis of the changed registration and the allotments granted thereafter shall be calculated on the recomputed base. In applying for allotments, food served to persons aboard planes on such flights shall not be included in the report of dollar revenue or number of meals served.

ARTICLE XXII—POST EXCHANGES, SHIPS' SERVICE DEPARTMENTS ASHORE, AND CERTAIN MILITARY AND NAVAL CLUBS

SEC. 22.1 *How post exchanges, ships' service departments ashore, and certain military and naval clubs obtain sugar for institutional use.* (a) Army, Navy, Marine Corps, and Coast Guard post exchanges and ships' service departments ashore, which make an institutional use of sugar, are not required to register with a District Office under this order. An Army, Navy, Marine Corps, or Coast Guard service club, enlisted men's club, non-commissioned officers' club or officers' club, which makes an institutional use of sugar, is also not required to register under this order if:

(1) It is located on a military or naval post, station or installation; and

(2) It is established pursuant to regulations of the Army, Navy, Marine Corps or Coast Guard; and

(3) It is operated by Army, Navy, Marine Corps, or Coast Guard personnel or their civilian employees.

(b) Allotments for use in establishments described in this section will be given in accordance with arrangements made by the Army, Navy, Marine Corps, and Coast Guard with the Washington Office of the Office of Price Administration.

(c) Ration bank accounts may be opened for the establishments described in this section, in the manner and with the effect described in Third Revised Ration Order 3.

(d) An establishment described in this section which receives allotments from the Army, Navy, Marine Corps and Coast Guard shall, if it has registered under this order, forthwith notify the District Office of that fact, and the District Office shall thereupon cancel its registration. The establishment shall not receive any further allotments from the District Office. An establishment which has already received allotments from the District Office for any allotment period may not accept any ration evidences for that period from the Army, Navy, Marine Corps, or Coast Guard unless it surrenders to the District Office ration evidences representing the allotments granted by the District Office, reduced by an amount corresponding to the number of meals served during that part of the allotment period which has elapsed when the ration evidences are received, as compared to the number of meals served upon which the allotments for the full period were computed.

ARTICLE XXIII—CERTAIN GOVERNMENT AGENCIES OBTAIN ALLOTMENTS FROM WASHINGTON OFFICE

SEC. 23.1 *Certain government agencies obtain allotments from Washington Office.* (a) The following government agencies may, at any time, apply to the Washington Office for allotments for any purpose:

(1) The Veterans' Administration;

(2) The Coast and Geodetic Survey;

(3) The United States Public Health Service.

(b) The following government agencies may, at any time, apply to the Washington Office for allotments for institutional use:

(1) The War Relocation Authority and the Department of Justice, in connection with the operation of war relocation centers and enemy alien detention stations and camps.

(c) Allotments will be given in accordance with arrangements made with the Washington Office. The Washington Office will issue ration evidences, the amount of which may be distributed, through the use of ration checks, to the various centers, stations, camps or activities, for which allotments are granted pursuant to this paragraph.

(d) Ration bank accounts may be opened for these centers, stations, camps, or activities.

(e) These agencies are not required to register their institutional user establishments with a District Office.

(f) Sugar ration checks issued by the Veterans' Administration or by any of its establishments shall be issued in accordance with the procedure and under the conditions prescribed by Third Revised Ration Order 3.

ARTICLE XXIV—OBTAINING SUGAR FOR SERVICE TO CERTAIN MILITARY AND NAVAL PERSONNEL

SEC. 24.1 *Obtaining sugar for service to military or naval personnel pursuant to written contract.* (a) Whenever, pursuant to a written contract made with an agency of the United States, an institutional user needs (or has used) sugar for the preparation of food which he will serve (or has served) to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer and for which government meal tickets will not be (or were not) received, an officer authorized by the Army, Navy, Marine Corps, or Coast Guard, and an officer authorized by the War Shipping Administration in connection with the feeding of

State Maritime Academy Cadets, may issue ration checks to him or to his supplier, for the amount of sugar needed (or used) for such purpose.

(b) If, for any reason, ration checks are not available, an authorized officer may issue an emergency acknowledgment instead of a ration check. The emergency acknowledgment may be in any form, but must show the name and address of the person to whom it is issued, the amount of sugar for which it is issued and the date of issuance. The person who issues the acknowledgment must sign his name, state his rank and the name and address of the activity or organization to which he is attached. The emergency acknowledgment must be exchanged for a ration check when ration checks are available, upon presentation to the activity or organization named thereon.

SEC. 24.2 *How organized messes obtain sugar.* (a) The Army, Navy, Marine Corps, or Coast Guard may authorize messes organized pursuant to their respective regulations to draw on exempt ration bank accounts or to open exempt ration bank accounts in accordance with arrangements made with the Office of Price Administration. Messes so authorized are not required to register with a District Office under this order. They may acquire sugar only in exchange for ration checks drawn on such accounts in accordance with instructions issued by the Army, Navy, Marine Corps, or Coast Guard.

SEC. 24.3 *Institutional users who cease serving military or naval personnel.* (a) An institutional user who has fed Army, Navy, Marine Corps or Coast Guard personnel in the manner described in section 24.1 and who ceases feeding such personnel in that manner, must account for all sugar and ration credits for feeding such personnel which he has on hand.

(b) He must file a statement with the District Office prior to June 1, 1944, or within thirty (30) days after ceasing to feed such military or naval personnel, whichever is later, showing:

(1) The quantities and kinds of sugar on hand when he ceased feeding such personnel which had not been previously reported to the District Office under any provisions of this order; and

(2) The amounts of any unexpended ration credits or ration evidences on hand at such time which were acquired in the manner described in section 24.1.

(c) At the time of filing that statement he must, in addition, turn over to the District Office all unexpended ration credits and ration evidences described in the statement.

(d) After filing the statement, he must:

(1) Sell or transfer the sugar listed therein for ration evidences in the same way that a retailer is permitted to sell or transfer such food. Within five (5) days after the sale or transfer, he must surrender to the District Office all ration evidences received; or

(2) Retain all or part of the food for institutional use at his establishment, and issue to the District Office a certified ration check (or surrender ration evidences if he has no ration bank account) for the amount of the food retained.

(e) Thirty (30) days after filing the statement he shall be charged with excess inventory of sugar, in the following way:

(1) The total amount of ration credits or ration evidences surrendered to the District Office is determined;

(2) The figure obtained in (1) is deducted from the total of sugar and unexpended ration credits and evidences reported on his statement; and

(3) The difference is charged as excess inventory.

SEC. 24.4 *Disposing of excess stocks by institutional users feeding military or naval personnel.* (a) An institutional user who feeds Army, Navy, Marine Corps or Coast Guard personnel in the manner described in section 24.1 and who has a stock of sugar for that purpose which is not charged to excess inventory may dispose of any part of such sugar although he will continue to feed such personnel. He may dispose of such sugar in the following way:

(1) He must obtain the permission of the officer in command (or other authorized officer) to sell or transfer such food or to use it for service other than to Army, Navy, Marine Corps or Coast Guard personnel messed in the manner described in section 24.1; and

(2) Upon obtaining such permission, he may sell or transfer such sugar in the same way that a retailer is permitted to sell or transfer such food. Within five (5) days after the sale or transfer he must surrender to the officer in command all ration evidences received. He must also account to the officer in command for any sugar transferred for which he did not receive ration evidences. If he wishes to retain such sugar for institutional use in his establishment for service other than to Army, Navy, Marine Corps or Coast Guard personnel messed in the manner described in section 24.1, he must surrender to the officer in command ration credits or ration evidences in an amount equal to the value of the sugar retained by him for such service. Any ration credits or ration evidences so surrendered shall be deposited in the ration bank account maintained for the use of the officer in command.

ARTICLE XXV—ALLOTMENTS FOR CERTAIN EMPLOYERS

SEC. 25.1 *Allotments for certain employers.* (a) Regardless of any other provision of this order, any person who in the conduct of his business is about to feed, or, on and after March 1, 1943, has fed, employees whom he hires (or hired) temporarily for a period of less than sixty (60) days may apply for allotments for that purpose. However, institutional users (other than Group I users) may not apply for allotments pursuant to this section.

(b) Application must be made on OPA Form R–1338 to the District Office, and must give the information required by that form. Persons as defined in (a) may apply to the District Office for the area in which sugar is required. An application to replenish sugar already served to such employees, must be made within five (5) days after the end of the sixty (60) day period in which such service was made.

(c) If the district office finds that the applicant needs an allotment for the purposes described in paragraph (a) above, it shall grant the application and give him an allotment computed in the following way: It shall multiply the number of such employees by the number of days they are fed, and by the number of meals per day. The figure obtained, multiplied by the non-baking allowance per person, is the allotment. If, at the time application is made, the applicant is not under an obligation to surrender ration stamps or coupons to a District Office, the District Office shall issue ration coupons for the amount of the allotment. If he is under an obligation to surrender stamps or ration coupons, that obligation shall be cancelled to the amount of the allotment granted under this section. Where the amount of the allotment is greater than his obligation, the District Office shall issue ration coupons for the difference.

(d) Where an applicant was granted an allotment prior to feeding his employees, he shall, within five (5) days after the end of the sixty (60) day period, report to the District Office the number of such employees served by him during that period. If the number is less than the number the District Office estimated he would serve, the difference shall be multiplied by the non-baking allowance per person and stamps or coupons in an amount equal to the result obtained must be surrendered to the District Office in accordance with such arrangement as may be made with the District Office.

(e) An employee specified in paragraph (a) who lives in the place where food is served to him (or in premises maintained in connection with that place) for seven (7) consecutive days or more, and who takes eight (8) or more meals a week there, must turn over all his War Ration Books to his employer, in the manner described in paragraph (a) of section 17.1 during the period for which his employer has received allotments pursuant to this section. The duties of the employer with respect to the War Ration Books which are turned over to him are the same as those specified for institutional users in paragraphs (c), (d), (e) and (f) of section 17.1.

SEC. 25.2 *Allotments for employers feeding imported laborers.* (a) Regardless of any other provision of this order, any person who in the conduct of his business is about to feed laborers brought into the Continental United States by a Federal government agency for the sole purpose of performing agricultural or other labor, may apply for allotments of sugar. However, institutional users (other than Group I users) may not apply for allotments under this section.

(b) Application must be made on OPA Form R–1338 to the District Office for the area in which the applicant's business is located, and must give the information required by that form.

(c) If the District Office finds that the applicant needs an allotment for the purpose described in paragraph (a), it shall grant him an allotment. That

allotment shall be computed by multiplying the number of such laborers which it finds he will feed during the allotment period by the number of days on which he will feed them, by the number of meals per day. The figure obtained, multiplied by the non-baking allowance per person, is the allotment.

(d) Applications under this section may be made for subsequent allotment periods if such laborers are hired for more than one allotment period.

(e) Within ten (10) days after the end of the allotment period, he must report to the District Office the number of such laborers fed by him during that period. If the number is less than the District Office estimated he would serve, the difference shall be multiplied by the non-baking allowance per person and ration evidences equal to the result obtained must be surrendered to the District Office in accordance with such arrangement as may be made with the District Office.

(f) A person who feeds such laborers must apply under this section and not under section 25.1 for allotments to feed such laborers, even though he feeds them for a period of less than sixty (60) days.

ARTICLE XXVI—SUGAR FOR HOME CANNING AND PRESERVING BY INSTITUTIONAL USERS

SEC. 26.1 *Home canning and preserving for Group I institutional users.* (a) A Group I institutional user was not permitted to use the War Ration Books of the persons who live and eat at his establishment in order to obtain sugar for home canning. However, those persons could have obtained sugar for home canning and preserving in the same way as consumers under Third Revised Ration Order 3, and a Group I institutional user could use the foods produced with such sugar for the purpose of feeding such persons.

SEC. 26.2 *Home canning and preserving for other institutional users*—(a) *General.* An institutional user (other than a Group I user) was permitted, prior to November 1, 1945, to apply for an allotment of sugar to be used for canning fruits and fruit juices and for preserving, if the finished product was to be produced in a "kitchen" or in a "place like a kitchen". In addition, a government or government agency, such as a federal prison or state asylum, could apply for an allotment of sugar to be used for canning and preserving in commercial-scale processing facilities for use in its Group II or eleemosynary or educational Group III, V or VI establishments.

(b) *Explanation of terms.* (1) "Kitchen" is a place principally used for the preparation of meals, such as a kitchen in a school or in a home economics center.

(2) A "place like a kitchen" is a place other than a kitchen but in facilities which do not differ substantially from those ordinarily found in a kitchen, and which are clearly not commercial-scale processing facilities. For example, a hospital may have on its premises, in addition to its kitchen, a separate place containing facilities for canning or preserving which are of a type similar to those normally used by such institutions in kitchens.

(c) *Application.* Applications were made to the District Office on OPA Form R–315 and were required to state:

(1) The name and address of the place where the foods would be produced;

(2) The type and location of the facilities to be used and the purposes for which those facilities were ordinarily used;

(3) The number of pounds of sugar needed;

(4) The number of pounds of foods to be produced from fruit and fruit juices;

(5) The number of pounds of prepared fruit (or pints of fruit juices) to be used in making jams, preserves and marmalades;

(6) The number of pounds of prepared fruit (or pints of fruit juices) to be used in making jellies and fruit butters;

(7) The disposition to be made of such foods;

(8) The amount of sugar, if any, obtained for home canning during 1944, and the amount of sugar actually used for home canning in 1944.

(d) *Amount of allotment.* The District Office was authorized to grant an allotment of sugar in an amount not exceeding:

(1) One (1) pound for each four (4) quarts of finished canned fruit or fruit juices;

(2) One (1) pound of sugar for each pound of prepared fruit for making jams, preserves, and marmalades;

(3) One (1) pound of sugar for each two (2) pounds of prepared fruit (or one pint of fruit juice) used for making jellies and fruit butters.

However, the amount of sugar granted for producing jams, jellies, preserves, marmalades, and fruit butters was not to exceed five (5) pounds of sugar for each 1000 persons served meals during the year 1944. Moreover, a Group III or IV user who did not obtain sugar for home canning in 1944 or who did obtain sugar for this purpose but failed properly to account for such sugar was not eligible for a home canning allotment in 1945. If he were eligible, the amount of the allotment in 1945 could not exceed the amount he received for this purpose in 1944.

(e) *Issuance of ration evidences.* The District Office was authorized to issue ration evidences for the amount of the allotment. However, if the applicant had an excess inventory of sugar, the amount of the excess inventory was to be deducted from the amount of sugar to be issued. Any excess inventory so deducted was to be cancelled.

(f) *Report.* An institutional user who received an allotment of sugar for home canning under this section must, when he applies for allotments for the January-February 1946 allotment period, report, in writing, to the District Office the amount of such sugar actually used for home canning and preserving. If the amount of sugar used for home canning and preserving is less than the amount obtained for that purpose under this section, the difference shall be treated as excess inventory.

ARTICLE XXVII—SALE OR TRANSFER OF INSTITUTIONAL USER ESTABLISHMENTS

SEC. 27.1 *Sale or transfer of a Group I establishment.* (a) When an institutional user sells or transfers to any other person the business and inventory of his Group I establishment, for continued operation, he may transfer his stock of sugar to the transferee of the establishment without the surrender of stamps, ration coupons or ration checks. The transferor and the transferee must jointly notify the District Office with which the establishment is registered. The notice must be given in writing, within five (5) days after the sale or transfer, and must state:

(1) The name and address of the establishment and of the persons transferring and acquiring it;

(2) The inventory of sugar transferred to the transferee, showing separately the amount which represents remaining opening inventory of the transferor (that is, the part of his opening inventory for which he has not yet accounted to the District Office in accordance with section 4.2).

(b) The notice required by paragraph (a) shall constitute a cancellation of the transferor's registration for the establishment.

(c) The amount of the transferor's remaining opening inventory of sugar or the amount transferred to the transferee pursuant to paragraph (a), whichever is greater, shall be treated as the transferee's opening inventory.

SEC. 27.2 *Sale or transfer of other institutional user establishments*—(a) *General.* (1) When an institutional user sells or transfers to any other person the business and inventory of his institutional user establishment (other than a Group I establishment), for continued operation, he may transfer his stocks of sugar to the transferee of the establishment without the surrender of stamps, ration coupons or ration checks and any ration credits in the hands of his supplier. The transferor and the transferee must jointly notify the District Office at which the establishment is registered on OPA Form R–1339. The form must be filed within five (5) days after the sale or transfer, and must give the information required by that form.

(2) If the transferor has a ration bank account for the establishment, he must notify the District Office, in the way required by Third Revised Ration Order 3. If he has any ration credits in the hands of his suppliers, he shall notify them in writing that he has transferred such credits to his transferee.

(b) *Transferor must give up unused stamps, ration coupons and ration checks.* The seller or transferor must give up to the District Office all unused stamps, ration coupons and ration checks he has for the establishment. If the establishment has ration bank accounts, he must give up to the District Office ration checks payable to the Office of Price Administration for the balances in such accounts. The notice given on OPA Form R–1339, and the surrender of the stamps, ration coupons and ration checks by the transferor, will be treated

as a cancellation of the transferor's registration and allotments.

(c) *Use of sugar transferred.* The transferee may use the sugar transferred only up to the amount of the allotments he gets for the establishment.

(d) *Granting allotments and assigning bases.* If the District Office finds that the establishment will continue to be operated in substantially the same manner as before the transfer, it shall assign to the transferee the transferor's allotments for that establishment, and, in the case of a Group III, IV, V or VI establishment, the transferor's bases. It shall also give him ration evidence equal in value to the ration evidence that the transferor surrendered to the District Office. The District Office shall treat as excess inventory any amounts of sugar, other than that obtained from the transferor, which the transferee has on hand (such as sugar which a baker might have on hand if he closes his bakery and becomes the operator of a restaurant).

SEC. 27.3 *Transfers of chain establishments—(a) Same rules apply to sale of entire chain.* The rules set forth in sections 27.1 and 27.2 apply where a person who has more than one institutional user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(b) *Sale of part of a chain.* (1) When the seller or transferor has more than one institutional user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in section 27.1 or 27.2, whichever is applicable, must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one institutional user establishment which he registered together, and sells or transfers one or more, but not all of them, the procedure described in section 27.1, or in paragraph (a) of section 27.2, must be followed, except that:

(i) If Group I establishments are being transferred, the remaining opening inventory may be divided between the establishments which were transferred and those which were not transferred in any way that the transferee chooses; and

(ii) If establishments in other groups are being transferred, the transferor must also apply to the District Office for a redetermination of his allotments, and, except in the case of Group II establishments, of his bases. In the case of a transfer of Group III, IV, V or VI establishments, the transferor must also report the information required on Part II of Form R-1307 Revised and his sugar use for refreshment services applicable to the establishment or establishments being transferred.

If the transferred establishments are in a group other than Group I, and if the District Office finds that they will continue to be operated in the same way as before the transfer, it shall grant allotments to the transferee, and, except in the case of Group II establishments, shall assign bases to him. It shall first determine the amount of the transferor's allotments and of the transferor's bases allocable to the transferred establishment or establishments. Those bases shall be assigned to the transferee. The transferee's allotments shall be the part of the transferor's allotments corresponding to the unexpired part of the allotment period. The bases and allotments assigned to the transferee shall be deducted from current allotments of the transferor. The District Office shall issue ration evidences to a transferee (or determine his excess inventory) on the basis of the allotments granted to him, the amount of the inventory he acquired from the transferor and the amount of sugar not already included in the inventory of an establishment which the transferee has for use in the transferred establishment.

SEC. 27.4 *Where and how the transferee registers the establishments acquired by him.* (a) A person who buys or otherwise acquires an institutional user establishment and who already has two or more establishments in the same group as the one acquired by him, which are registered together, must register the new establishment together with his other establishments and at the same District Office. The remaining opening inventory (in the case of Group I establishments), allotments and the bases (in the case of Group III, IV, V and VI establishments) assigned to him shall be added to the remaining opening inventory, allotments and bases he already has for his other establishments in that group. If he already has his other establishments in the same group registered separately, the transferred establishment must be registered separately with the District Office for the place where it is located. If he has only one other establishment in the same group, he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the District Office for the place where his principal office is located and remaining opening inventory, allotments or bases assigned to him shall be added to the remaining opening inventory, allotments or bases he already has for his other establishment. If he registers them separately, registration shall be at the board for the place where the establishment is located.

(b) If the transferee acquires more than one institutional user establishment and is entited to or is required to, register them separately, the District Office must compute separately the portion of the transferor's remaining opening inventory, allotments or bases allocable to each of the establishments acquired, in the way described in section 27.3.

SEC. 27.5 *Computation of subsequent and supplemental allotments.* (a) For purposes of determining allotments (other than those issued by the District Office for the unexpired part of the allotment period in which the transfer is made) for the establishment transferred, the dollar revenue of, and number of persons served by the transferor shall be used as if they were the figures of the transferee.

SEC. 27.6 *Some transferred establishments will be treated as new institutional user establishments.* (a) If the District Office determines that a transferred establishment, other than a Group I establishment, will not be operated by the transferee in substantially the same manner as it was operated by the transferor, it shall treat it as a new institutional user establishment.

ARTICLE XXVIII—CLOSING OF INSTITUTIONAL USER ESTABLISHMENTS

SEC. 28.1 *What an institutional user who closes his Group I establishment must do.* (a) An institutional user who goes out of business at his Group I establishment must, within five (5) days after closing the establishment, notify the District Office, in writing, to that effect. He may transfer any remaining stock of sugar in the same manner that a retailer is permitted to make transfers under Third Revised Ration Order 3. He must surrender to the District Office the stamps, ration coupons or ration checks so received.

SEC. 28.2 *What a person who closes his establishment (other than Group I) must do.* An institutional user who goes out of business at his establishment (other than Group I) must notify the District Office. The notice must be given in writing, within five (5) days after he goes out of business. It must state:

(1) The name and address of the establishment;

(2) The inventory of sugar at the time he stopped doing business there; and

(3) The balances, if any, in the establishment's ration bank account (less outstanding checks) and the amount of any ration coupons or ration checks on hand, including the value of any ration coupon or ration check which his suppliers have for sugar not yet shipped. If he has a ration bank account, he must also notify the District Office, in the way required by Third Revised Ration Order 3.

(b) He must account in writing, in person or by mail to the District Office for all ration coupons or ration checks he has for the establishment. If his stock of sugar has not been disposed of at the time of the notice, he must so account for such stock as soon as it has been liquidated. He may sell or transfer his stock of sugar in the same way that a retailer is permitted to make sales or transfers under Third Revised Ration Order 3.

SEC. 28.3 *Closing of chain establishments—(a) Same rules apply to closing of entire chain.* The rules set forth in section 28.1 and 28.2 apply where a person who has more than one institutional user establishment goes out of business at all of them, whether or not they were registered separately.

(b) *Closing of part of chain.* (1) A person who has several institutional user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in sections 28.1 and 28.2 whichever is applicable, as to each of the establishments at which he goes out of business.

(2) A person who has several institutional user establishments which are

registered together may go out of business at one or more of them, but may continue to operate the others. In that case he must notify the District Office in writing within five (5) days.

(c) If the establishments were in Group I, the rules of section 28.1 apply.

(d) If the establishments were in Group II, the notice must state:

(1) The name and address of the establishment or establishments;

(2) The number of persons served in December 1942, at the establishment or establishments being closed; and

(3) The number of persons served in the establishment or establishments for the month in which they go out of business and for the preceding month.

(e) If the establishments were in Groups III, IV, V or VI, the notice must state:

(1) The name and address of the establishment or establishments;

(2) The number of meals served, the number of persons served refreshments only (and in the case of Group III establishments, the dollar revenue from meals and from services of refreshments only) for the establishment or establishments for the month in which they go out of business and for the preceding month.

(f) The District Office shall reduce the institutional user's allotment for the allotment period in which the establishments are closed (and, in the case of Group III, IV, V or VI establishments, their bases) by the amount allocable to the closed establishments. He must give up to the Office of Price Administration ration coupons or ration checks equal to the amount of the reduction in his allotment. If he does not have ration coupons or ration checks to give up, that amount shall be treated as excess inventory.

(g) Subsequent allotments for Group III, IV, V and VI institutional users shall be computed by using the bases as recomputed in accordance with paragraph (f), and the dollar revenue and persons served figures of the establishments still in operation.

ARTICLE XXIX—SPECIAL PROVISIONS FOR CERTAIN GROUP VI USERS

SEC. 29.1 *Certain Group VI users may apply for adjustment of base.* (a) A Group VI institutional user who operates an establishment at a school may apply to the District Office for an adjustment of his meal service base if he needs more sugar because of a change in the character of his operations.

(b) The application shall be made to the District Office in writing and must state:

(1) The place where the meals will be served;

(2) The type of meal that will be served (for example, Type "A" or Type "B" school lunch, or other type, designated by the Department of Agriculture);

(3) The estimated number of meals to be served during the current allotment period.

(c) If the District Office finds that the institutional user needs more sugar because of a change in the character of his operations, it may determine an adjusted meal service base, in accordance with instructions from the Washington Office. The applicable allowances per person to be used in adjusting the meal service base of an institutional user who serves school lunches that meet the standards set by the Department of Agriculture for designated type lunches are contained in the supplement to this order.

ARTICLE XXX—DEFINITIONS

SEC. 30.1 *Definitions.* When used in this order:

"Account" means a ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, ration coupons and ration checks and of transfers of ration credits.

"Acquire" means to get possession or title in any way.

"Allowance per person" means the allowance of sugar in the supplement to this order.

"Allotment" means the sugar allotment.

"District Office" means the District Office of the Office of Price Administration for the area in which the institutional user's establishment is located.

"Dollar revenue" means gross dollar revenue derived from the service of meals and refreshments (other than alcoholic beverages). Where a combined charge is made for food and lodging or other services, dollar revenue is computed by determining how much of the total charge reasonably covers the service of meals and refreshments (other than alcoholic beverages). (However, if the combined charge covers entertainment and admission taxes that part of the charge which covers entertainment is included in dollar revenue). If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used in computing dollar revenue. Dollar revenue does not include revenue derived from services to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States.

"Food," when used alone, includes all items of food, whether they constitute "meals" or "refreshments." (The terms "food service" or "persons served food," when used in OPA Forms R–1307 Supplement or R–1309 (Revised), have the same meaning as "meal" service or "persons served meals.")

"Issue", when used with respect to a ration check, means the delivery of a completed ration check to the person to whose account the ration check is made payable.

"Meal" or "meal service" means any service of "food" other than a "service of a refreshment only".

"Person" means any individual, corporation, partnership, association, business trust, and includes the United States or any agency thereof, and any state or any political subdivision or agency thereof, and any other government or agency thereof, or any organized group of individuals.

"Persons served" includes both persons served "meals" and persons served "refreshments only". The terms "persons served meals" or "meal services" and "persons served refreshments only" are used when a distinction between refreshment services only and other types of services is intended.

"Ration check" means a check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

"Ration coupons" means coupons in denominations of 1 and 10 so designated in Third Revised Ration Order 3.

"Ration credits" means credits in an account reflecting deposits of stamps, ration coupons or ration checks.

"Ration evidence" means any written or printed document authorizing the transfer, delivery or acquisition of sugar or the transfer of ration credits, and includes stamps, ration coupons, and ration checks.

"Rationed food" means sugar.

"Refreshments" means all items commonly known as such, and includes, but is not limited to, all beverages, such as alcoholic and carbonated beverages, fruit and vegetable juices, non-carbonated water beverages (such as orangeade, lemonade, etc.), milk, milk drinks (such as malted milk, milk shakes and chocolate floats), tea, cocoa, coffee, coffee substitutes, hot chocolate and ice cream sodas. The term also includes items such as ice cream dishes of all kinds, ice cream cones, sherbets, snowballs, popcorn, potato chips, peanuts, candy and pretzels.

A service is considered to be a "service of a refreshment only", if the refreshment, or a mixture or combination of refreshments, is served to a person to whom nothing else is served. It is also considered a service of a refreshment only, even if some incidental item is also served (such as service of crackers with hot chocolate), if no separate charge is customarily made for that incidental item when served with a refreshment.

"Stamp" means a stamp in, or taken from a war ration book.

"Sugar" means sugar as defined in Third Revised Ration Order 3.

"Ration book" means a ration book which contains or contained stamps designated by the Office of Price Administration as authorization to take delivery of sugar.

"Washington Office" means the National Headquarters of the Office of Price Administration.

"December 1942" means the base month or any other month used as the base month.

This Revised General Ration Order 5 shall be effective January 1, 1946.

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

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23229; Filed, Dec. 29, 1945; 4:47 p. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5, Supp. 1]

FOOD RATIONING FOR INSTITUTIONAL USERS

§ 1305.203 *December use factors, allowances per person and refreshment multiplier to be used in determining allotments for institutional users, other than Group I users.* (a) December use factors (to determine percentage reduction of sugar) for meal services.

	December use factor (percent)
1. For institutional users whose baking percentage is less than 40% in December 1942:	
(i) If month used in determining the base was after April 1942	100
(ii) If month used in determining the base was April 1942 or earlier	60
2. For institutional users whose baking percentage is 40% or more in December 1942:	
(i) If month used in determining the base under this order was after April 1942	[1] 120
(ii) If month used was April 1942 or earlier	72

[1] This does not cover a new user whose base month was after June 1944, in which case the use factor is 100% in accordance with section 13.3.

(b) Allowance per person for all Group II users: 0.03 pound.

(c) Allowances per person for Group III, IV, V and VI users:

(1) Institutional users whose baking percentage of baked products (bread, rolls, doughnuts and crullers, pies, cakes and pastries) is less than forty percent (40%) in December 1942, the allowance per person is 0.015 pound.

(2) Institutional users whose baking percentage of baked products (bread, rolls, doughnuts and crullers, pies, cakes and pastries), is forty percent (40%) or more in December 1942, apply the following allowances per person:

(i) If baking percentage was less than 75% 0.022 pound;

(ii) If baking percentage was 75% or more 0.03 pound.

NOTE: For the purposes of determining the percentage of baked products baked by institutional users, Form R–1307 Supplement contained the question: "Of the total number of each of the following baked products that you Served in December 1942 what percentage of each did you Buy?" This question was intended for the purpose of determining the amount of baked goods which the institutional user himself baked on the assumption that all baked products served which he did not buy were products which he baked. For example, if an institutional user reported that he bought 35% of the baked products which he served, it is taken to indicate that he baked the remaining 65%.

In determining an institutional user's baking percentages, the percentage that he himself baked of the total number of the items that he served in each of the six (6) categories listed in the parentheses is to be found; those percentages are added; the sum is divided by six (6); the result is considered to be his baking percentage (if he did not serve any item in a category, the percentage that he baked for that category is zero).

(d) Allowance per person to be used in determining adjusted bases of Group VI users serving Type "A" or "B" school lunch, as approved by the Department of Agriculture, or similar lunch: 0.03 pound.

(e) Refreshment multiplier (figure to be multiplied by refreshment base to determine the refreshment allotment): 2.

§ 1305.204 *Forms.* (a) Application for sugar coupons for Group I seasonal users (OPA Form R–1335) referred to in section 10.3.

OPA Form R–1335 Form Approved (12–45)
Budget Bureau No. 08–R1580

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR SUGAR COUPONS BY GROUP I SEASONAL USERS

(For Group I Users Only)

Pursuant to Revised General Ration Order 5

Name of applicant.

Address—Number and street.

City, postal zone number, state.

Instructions: This application is used in cases where the seasonal user must get sugar in advance of the arrival of guests who will eat at his establishment.

This application may be filed with your District Office at any time.

1. The date on which you expect the persons who will eat in your establishment to arrive _____.

2. The estimated earliest date thereafter on which sugar can be obtained with the ration stamps from the books of such persons _____.

3. The estimated number of meals you expect to serve during the period between the date given in Item 1 and 2 _____.

(Do not count more than 3 meals per person per day)

I certify that the above statements are true and correct to the best of my knowledge and belief.

A willfully false statement is a criminal offense.

Signed _____

Title _____ Date _____

DISTRICT OFFICE ACTION

(a) Number of meals for which application is granted _____

(b) Allowance per meal _____

(c) Amount of ration evidence (a × b) _____

Application is:

☐ Granted.

☐ Denied.

Amount issued _____

Date _____

Signature _____

OPA Form R–1335
(12–45)

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

This is a window insert: Fill in your name and address and return with your application; it will be used to mail your ration to you.

Address to which ration is to be mailed:
(Print or Type)

Name _____

Mailing address _____
(Number) (Street, R. F. D.)

City, postal zone number, and state _____

(b) Application for supplemental allotments due to increase in business (OPA Form R–1336) referred to in section 11.1.

OPA Form R–1336
(12–45)

Form Approved
Budget Bureau No. 08–R1577

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR SUPPLEMENTAL ALLOTMENTS DUE TO INCREASE IN BUSINESS

Pursuant to Revised General Ration Order 5

Name of establishment

Address—Number and street

City, postal zone number, State

Allotment period in which application is made:

_____ and _____ 194__

Check the group in which the establishment is registered:

Group II ☐ Group IV ☐ Group VI ☐
Group III ☐ Group V ☐

Instructions: Supplemental allotments will be granted to Group III users only when the number of meals served during the current period and the dollar revenue from meal service will be more than 10% larger than the corresponding figures for the preceding period; and the number of persons served meals and the dollar revenue therefrom at the time of this application, is equal to 80% of the corresponding figures for the preceding period. This requirement (except dollar revenue) applies to Group II, IV, V and VI users. (Group II users report in terms of "persons served" rather than meals" since no distinction is made between "meals" and "services of refreshments" for Group II users).

This application may be filed with your District Office at any time.

Group II, IV, V and VI users will answer Questions 1 and 3.

1. The estimated number of meals to be served during the current allotment period _____.

2. The gross dollar revenue estimated to be received from meal services during the current allotment period $_____.

3. The number of meals already served from the beginning of the current allotment period to the date of this application _____.

4. The gross dollar revenue already received from meal services from the beginning of the current period to the date of this application $_____.

I CERTIFY that the above statements are true and correct to the best of my knowledge and belief.

A willfully false statement is a criminal offense.

Signed _____

Title _____ Date _____

DISTRICT OFFICE ACTION

NOTE.—There may be unusual circumstances which will warrant the use of the applicant's estimates, such as an influx of business due to a fire in a competitor's establishment, or because a convention has been booked, or the applicant may operate an establishment which is subject to sharp fluctuations. In such cases the method of using a projected rate of increase is not applicable, and the District Office should be guided by the reasonableness of applicant's figures.

Date of application _____

Line No.	*Meals*	*Revenue*
1. Totals, from beginning of period to date of application	------	------
2. Number of days from beginning of period to date of application	------	------
3. Result (Divide Line 1 by Line 2)	------	------
4. Number of days during current allotment period	------	------
5. Estimate for current period (Line 3 times Line 4)	------	------
6. Totals for preceding period (From Form R–1331)	------	------
7. Estimated increase (Line 5 minus Line 6)	------	------
8. Percentage of increase (Line 7 divided by Line 6)	------	------

NOTE.—If both figures in Line 8 are equal to or larger than ten per cent (10%), the applicant qualifies for a supplemental allotment under the 10% increase test. If so, continue.

Line No.	*Meals*	*Revenue*
9. Totals for preceding period (same as Item 6 above	------	------
10. Percentage	------	------
11. Result (Line 9 times Line 10)	------	------

NOTE.—If both figures in Line 1 are equal to or larger than the figures in Line 11 the applicant also qualifies under the 80% test.

Line No.	*Sugar*
12. Allotment for current period (From Form R–1331)	
13. Lower of two percentages shown under Line 8	
14. Amount of supplemental allotment (Line 12 times Line 13)	

Application is:
( ) Granted
( ) Denied
Amount issued _____
(Posted to Form R–1331, Line 1 for the appropriate period)
Date _____
Signature _____

OPA Form R–1336
(12–45)

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

This is a Window Insert: Fill in your name and address and return with your application; it will be used to mail your ration to you.

Address to which ration is to be mailed:
(Print or Type)

Name _____
Mailing address _____
(Number) (Street, R. F. D.)
_____
(City, postal zone number, and state)

(c) Application for allotments for occasional users (OPA Form R–1337) referred to in section 13.6.

OPA Form R–1337
(12–45)

Form Approved
Budget Bureau No. 08–R1578

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR ALLOTMENT BY OCCASIONAL USERS

Pursuant to Revised General Ration Order 5

Name of applicant.
_____
Address—Number and street.
_____
City, postal zone number, state
_____
Date of application: _____

Instructions: You are an occasional user if you make an institutional use of sugar on not more than 36 days in any year and on not more than 7 consecutive days at any time, and make a charge for meal services. You may apply for one day or more in an allotment period or a number of consecutive days in two allotment periods. You may file your application with your District Office at any time within 30 days before the date on which you will make a service of food.

1. Where will meal service take place? ____
_____
(Street address)

2. How much sugar do you estimate you will need? _____ pounds.

3. To how many persons do you expect to serve meals? _____

4. On what date or dates in the period covered by this application do you expect to serve such meals? _____

5. Fill in: What percentages of the baked goods that you expect to serve will you purchase? Pies _____%, rolls _____%, bread _____%, cakes _____%, pastry _____%, doughnuts and crullers _____%. (Enter n. s. for each item not served.)

6. The price to be charged for each meal served $_____.

7. State the approximate number of days on which you expect to serve food in the 12 month period following the date of this application _____

I certify that the above statements are true and correct to the best of my knowledge and belief.

A willfully false statement is a criminal offense.

Signed _____
Title _____ Date _____

DISTRICT OFFICE ACTION

(a) Number of meals for which application is granted	
(b) Allowance per meal	
(c) Amount of the allotment (a×b)	

Application is:
☐ Granted.
☐ Denied.
Amount Issued _____
Date _____
Signature _____

OPA Form R–1337
(12–45)

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

This is a window insert: Fill in your name and address and return with your application; it will be used to mail your ration to you.

Address to which ration is to be mailed
(Print or type)

Name _____
Mailing address _____
(Number) (Street, R. F. D.)
City, postal zone number, and state _____

(d) Application for allotments for certain employers (OPA Form R–1338) referred to in sections 25.1 and 25.2.

OPA Form R–1338
(12–45)

Form Approved
Budget Bureau No. 08–R1579

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR ALLOTMENT FOR CERTAIN EMPLOYERS

Pursuant to Revised General Ration Order 5

_____
Name of applicant.
_____
Address—Number and street.
_____
City, postal zone number, state.
Allotment period for which application is made: _____ and _____ 1946.

Instructions: This application is for Group I users and employers who are *not* institutional users, who hire laborers for periods of less than 60 days. Example: Employers hiring farm laborers, ranchers, etc., also imported laborers included in § 25.2 (a) for periods of more than 60 days.

Application may be made for an allotment to feed employees or for employees already fed.

Application may be made to your OPA District Office at any time the allotment is needed but for a period of time not to exceed 60 days.

If you are applying for an allotment of sugar for employees whom you expect to feed, answer items 1, 2, and 3.

1. The estimated number of employees to be fed. _____
2. The estimated number of days such employees will be fed. _____
3. The estimated number of meals[1] per day which you will serve to such employees. _____

If you have already fed employees and are seeking replacement of sugar used in feeding such employees, answer items 4, 5, and 6.

4. The actual number of employees fed. _____
5. The actual number of days employees were fed. _____
6. The actual number of meals[1] per day which you served to such employees. _____

I certify that the above statements are true and correct to the best of my knowledge and belief.

A willfully false statement is a criminal offense.

Signed _____
Title _____ Date _____

[1] Do not count more than 3 meals per person per day.

DISTRICT OFFICE ACTION

(a) Number of employees	
(b) Number of days fed	
(c) Total number of man-days (a x b)	
(d) Number of meals per day	
(e) Total number of meals (c x d)	
(f) Allowance per meal	
(g) Amount of allotment (e x f)	

Application is:
☐ Granted.
☐ Denied.
Amount issued _____
Date _____
Signature _____

OPA Form R–1338
(12–45)

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

This is a window insert: Fill in your name and address and return with your application; it will be used to mail your ration to you.

Address to which ration is to be mailed:
(Print or type)

Name _____
Mailing address _____
(Number) (Street, R. F. D.)
City, postal zone number, and State

(e) Notice of sale or transfer of institutional user establishments (OPA Form R–1339) referred to in section 27.2.

OPA Form R–1339
(12–45)

Form Approved
Budget Bureau No. 08–R1581

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

NOTICE OF SALE OR TRANSFER OF INSTITUTIONAL USER ESTABLISHMENT

Pursuant to Rev. GRO 5

(For Group II, III, IV, V and VI Users)

Name of Establishment
_____
Address of establishment
_____
Name of transferor (seller)
_____
Date of this notice
_____

Instructions: This notice must be filed jointly by the transferor (seller) and the transferee (buyer) with the District Office within 5 days after the date of the sale or transfer of the institutional user establishment.

The transferor is required to send to the District Office, together with this application, all unused ration coupons or ration checks on hand (see Item 6 below). If the transferor has a ration bank account he must send to the District Office a ration check payable to the OPA for the balance in such account. Written notice must be given by transferor (seller) to supplier to transfer any outstanding credits to transferee (buyer).

If this is a transfer of a part of a chain establishment, do not use this form. Contact the District Office for specific instructions.

PART I—TO BE FILLED OUT AND SIGNED BY TRANSFEROR (SELLER)

1. Name and address of buyer _____
_____
2. Date of transfer _____
3. Did you have a Ration Bank Account on the date of transfer? ☐ Yes ☐ No
4. Inventory of sugar on hand on the date of transfer _____ lbs.
5. Ration evidence in hands of supplier for sugar not yet shipped (You must notify suppliers in writing that this credit may be used by the buyer.) _____
6. Ration Credits for Sugar on Hand
   (a) Bank Balance (less outstanding checks) _____ lbs.
   (b) Other unspent ration evidence on hand _____ lbs.
   (c) Totals 6 (a) plus 6 (b) _____ lbs.

I hereby surrender to the OPA all of my ration credits shown under Item 6 and agree that this constitutes my cancellation of registration.

Signature of transferor (seller) _____
Title _____ Date _____

PART II—TO BE FILLED OUT AND SIGNED BY TRANSFEREE (BUYER)

7. Will name of establishment remain the same, _____ If not give new name _____
_____

8. Did you have on the date of transfer any sugar on hand for use in the establishment other than that obtained from the transferor (seller)? If so, state amount _____ lbs.

I hereby apply for all ration evidence listed under Item 6 and agree that this constitutes

my application for assignment of bases and allotments.

Signature of Transferee (Buyer)

Title _____ Date _____

DISTRICT OFFICE ACTION

Application is
☐ Granted
☐ Denied
Amount issued _____
(Item 6 less any amount shown in Item 8)

Date _____
Signature _____

OPA Form R-1339
(12-45)

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

This is a Window Insert: Fill in your name and address and return with your application; it will be used to mail your ration to you.

Address to which ration is to be mailed:

(Print or type)
Name _____
Mailing address _____
(Number) (Street, R. F. D.)
City, postal zone number, and State

This supplement shall become effective January 1, 1946.

NOTE: All reporting and record-keeping requirements of this supplement have been approved by the Bureau of the Budget.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23240; Filed, Dec. 29, 1945; 4:48 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3]

SUGAR

Second Revised Ration Order 3 is redesignated Third Revised Ration Order 3 and is revised and amended to read as follows:

ARTICLE I—CONSUMERS

Sec.
1.1 Prohibited deliveries.
1.2 Consumer handicapped by transportation difficulties.
1.3 Growers of sugarcane and sugar beets may apply for evidences.
1.4 Sugarcane and sugar beet growers may get sugar without giving up evidences.
1.5 Isolated shepherds may apply for additional sugar.
1.6 Consumer may obtain adjustment for lost, damaged, destroyed or stolen sugar.
1.7 Sugar for feeding bees.
1.8 Consumers who need more sugar because of illness may apply for evidences.

ARTICLE II—INDUSTRIAL USERS

2.1 Re-registration between December 15, 1943, and January 5, 1944.
2.2 Industrial user allotments.
2.3 Increases in allotments based on increases in population.
2.4 Sugar for feeding bees.
2.5 Industrial users must keep records.
2.6 Allotment may not be obtained for provisional allowance purposes.
2.7 When check is to be issued.
2.8 Adjustments.
2.9 Amendment of registration when products are added to those for which industrial user may receive provisional allowance.
2.10 Use of allotments.
2.11 Ration banking by industrial users.
2.12 An industrial user who produced jams, jellies, preserves, marmalades, or fruit butters in 1944 may get an allotment.
2.13 General limitation on acquisition of sugar.
2.14 Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.

ARTICLE III—INSTITUTIONAL USERS

3.1 Institutional users.

ARTICLE IV—RETAILERS AND WHOLESALERS

4.1 Registering unit.
4.2 Prohibited deliveries.
4.3 Allowable inventory.
4.4 Deliveries to registering units after registration.
4.5 Ration banking by retailers and wholesalers.
4.6 Records.
4.7 Replacement of sugar lost in repackaging.
4.8 Inventory of registering unit must equal "allowable inventory".
4.9 Certain registering units must make a semi-annual report of inventory.

ARTICLE V—PRIMARY DISTRIBUTORS

5.1 Ration banking by primary distributors.
5.2 Deliveries by primary distributors.
5.3 Records of primary distributors.
5.4 Reports of primary distributors.
5.5 Orders or commitments for future deliveries.
5.6 Director of Food Rationing Division may issue instructions to importers of Cuban and Puerto Rican direct-consumption sugar.

ARTICLE VI—RATION STAMPS, SUGAR RATION CHECKS AND COUPONS

6.1 Use of checks by depositors and non-depositors.
6.2 Nature and validity of checks and stamps.
6.3 Checks to be issued only in whole numbers.
6.4 Surrender of checks and stamps.
6.5 Use of coupons.
6.6 Type of sugar authorized.
6.7 Stamps, checks and coupons may not be taken by legal process or acquired by will.
6.8 Destroyed, mutilated, or stolen stamps and coupons.
6.9 Duty to ascertain validity of evidences.
6.10 Notification to Office of Price Administration of legal proceedings.

ARTICLE VII—RATION BOOKS (ISSUANCE AND REPLACEMENT)

7.1 Sugar Ration Books.
7.2 Who may get a Ration Book.
7.3 Application.
7.4 Issuance of Sugar Ration Book.
7.5 Sugar Ration Books for imported laborers.
7.6 Sugar Ration Books for law enforcement or investigatory government agencies.
7.7 Surrender of Ration Books.
7.8 Application for replacement.
7.9 Mutilated ration books.
7.10 Lost, destroyed or stolen ration books.
7.11 Wrongfully withheld ration books.
7.12 Tailoring of books which are replaced because of loss, theft, destruction or wrongful withholding.

ARTICLE VIII—DELIVERIES OF SUGAR WITHOUT GETTING EVIDENCES

8.1 Delivery of sugar for carriage or storage.
8.2 Security interests in sugar may be created and released without giving up evidences.
8.3 Disposal of damaged sugar and undamaged sugar mingled therewith or sugar in a package, bag, or other container damaged while in transit by common carrier.
8.4 Recovery of lost or stolen sugar.
8.5 Delivery of sugar for liquidation, by operation of law, or in judicial proceedings.
8.6 Miscellaneous records.
8.7 Exchange and loans of sugar.
8.8 An industrial user may deliver sugar or ration evidences for industrial use.

ARTICLE IX—TEMPORARY RATIONS

9.1 Servicemen on leave or furlough or who eat occasionally at certain places may get coupons or other ration evidences to acquire sugar.
9.2 Temporary sugar rations for persons other than servicemen.

ARTICLE X—IMPORTS

10.1 Imports.
10.2 Imports of sugar by certain persons.

ARTICLE XI—IMPORTED SUGAR-CONTAINING PRODUCTS

11.1 General.
11.2 Amount of imported sugar-containing products which may be used.
11.3 Deliveries of imported sugar-containing products.
11.4 Miscellaneous record-keeping provision.

ARTICLE XII—EXPORT OF SUGAR

12.1 Who may export sugar.
12.2 Export of sugar to certain persons.
12.3 How evidences may be obtained to acquire sugar for export.
12.4 All advances must be accounted for.
12.5 How a person who has not received an advance obtains replacement.
12.6 Proof of export.
12.7 District Offices may be authorized to grant evidences for exports not covered by this order.
12.8 Issuance of ration checks for sugar.

ARTICLE XIII—REPLACEMENT OF SUGAR USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

13.1 Designated agencies.
13.2 Users who may obtain replacement.
13.3 Last industrial user makes the application for replacement.
13.4 Applicant must notify other users and obtain certifications from them before he submits application.
13.5 Contents of application.
13.6 Users who may obtain an advance: Who may apply.
13.7 Applicant must notify other users and obtain certifications from them before he submits application.
13.8 Applicant must also obtain certification from person who has contract with agency or activity in question.
13.9 Contents of application.
13.10 Procedure to be followed if there is a difference between amount advanced and amount used.
13.11 Termination of contracts.
13.12 Issuance of checks.
13.13 Allotment increased.
13.14 Representation to the Office of Price Administration.
13.15 This article does not cover sugar obtained, or which may be obtained, as a provisional allowance.
13.16 Registration not required in certain cases.
13.17 This article governs whenever inconsistent with other provisions of this order.

ARTICLE XIV—EXEMPT AGENCIES

14.1 Ships' and planes' stores.
14.2 Ration banking by exempt agencies.
14.3 Ration banking by certain airplane operators.
14.4 Issuance and use of checks by Extension Service of Department of Agriculture.
14.5 Deliveries of sugar to exempt agencies.
14.6 Deliveries of sugar to certain persons and agencies.

AUTHORITY: § 1407.1 issued under Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 64, 8 F.R. 7093; 9 F.R. 4319.

ARTICLE I—CONSUMERS

SECTION 1.1 *Prohibited deliveries.* Since April 27, 1942, no person has been permitted to deliver sugar to any consumer and no consumer permitted to accept delivery of sugar from any person except upon giving up evidences covering the amount of sugar delivered. However, a consumer who has obtained sugar by the use of his stamps, may give it to another consumer, without receiving evidences. He may similarly give such sugar to a religious, charitable, civic, or municipal organization as his agent, to give such sugar to another consumer without receiving evidences. (A transaction is not a gift if any charge is made.)

SEC. 1.2 *Consumer handicapped by transportation difficulties.* A consumer who, because of transportation difficulties, finds it a hardship to take delivery of sugar at the time, and in the amounts specified in the supplement to this Order may apply to the District Office for a check or ration coupons for 5, 10 or 15 pounds of sugar. The application must be made, in person or by mail, in writing, by the consumer personally or an adult member of his family unit, or an authorized agent. The Book of each consumer for which application is made shall accompany the application. The District Office, in its discretion, may grant the application. Before issuing a check or ration coupons, however, the District Office shall detach from the Book of the consumer a "sugar stamp" for each five pounds granted. (Stamps applicable to expired ration periods shall not be detached for this purpose.)

SEC. 1.3 *Growers of sugarcane and sugar beets may apply for evidences.* A consumer who has delivered sugarcane or sugar beets produced by him to a primary distributor for processing into sugar may apply to the District Office for a check or ration coupons authorizing him to take delivery of sugar in an amount not in excess of 25 pounds for himself and 25 pounds for each member of his family unit. (Application shall be made for 5, 10, 15, 20 or 25 pounds.) The application must be made in writing by the consumer personally, an adult member of his family unit, or an authorized agent. The Book of each consumer for which application is made shall accompany the application. The District Office, in a proper case, shall grant the application. At the time of granting the application, the District Office shall detach from the Book of the consumer, and from the Book of each member of his family unit for which application is made, a "sugar stamp" for each 5 pounds of sugar granted to such person. (Stamps applicable to expired ration periods shall not be detached for this purpose.)

SEC. 1.4 *Sugarcane and sugar beet growers may get sugar without giving up evidences.*—(a) *Amounts that may be obtained.* A consumer who produces sugarcane or sugar beets and delivers them to a primary distributor for processing into sugar may, without giving up ration evidences, acquire from the primary distributor an amount of sugar not in excess of the smaller of the following:

(1) 25 pounds for each member of his family unit and 25 pounds for each employee who works more than six months a year on the farm where the sugarcane or sugar beets were produced and for whom he regularly provides meals; or

(2) 25 pounds for each acre of sugarcane or sugar beets grown on a farm where he resides or works more than six months a year and harvested from the "1945 crop" or "1946 crop" as the case may be. However, if, at the time of harvest, more than one consumer eligible under this section is entitled to a share of that crop, the per acre allowance for such consumer may be no greater than the proportion of 25 pounds that his share of the crop bears to the total shares of all eligible consumers. (For example, if two share-cropping tenants, both living on a farm on which sugar beets are produced from the "1945 crop" are entitled to 40 percent and 60 percent respectively of the crop, their per acre allowances would be 10 and 15 pounds respectively.)

(b) *Eligibility requirements.* For a consumer to be eligible to get such sugar, the following conditions must be met:

(1) The sugar must be sugar manufactured tax-free under section 402 (d) of the Sugar Act of 1937.

(2) The sugarcane or sugar beets must have been produced on a farm where he resides or works more than six months a year.

(3) The sugarcane or sugar beets must have been harvested from the 1945 crop,

or 1946 crop, as the case may be, grown on that farm. (As used in this section, the "1945 crop" of sugarcane means sugarcane harvested between October 1, 1945, and September 30, 1946, inclusive, and the "1945 crop" of sugar beets means sugar beets planted for harvest in the calendar year 1945, except that with respect to sugar beets grown in Yuma County, Arizona, in Imperial County, California, and in those parts of the Imperial and Coachella Valleys which are included in Riverside County, California, the "1945 crop" of sugar beets does not include sugar beets planted for harvest in the calendar year 1945 but includes sugar beets planted for harvest in the calendar year 1946. The "1946 crop" is the crop for the next 12 months following the "1945 crop".)

(c) *Statement to primary distributors.* A primary distributor may deliver an amount of sugar, not in excess of the amount permitted under paragraph (a) of this section, to an eligible consumer in exchange for a statement signed by him stating:

(1) His name and address and the date;

(2) Facts indicating that he is eligible under paragraph (b) of this section;

(3) The number of acres of sugarcane or sugar beets harvested from the 1945 or 1946 crop, as the case may be, grown on a farm where he resides or works more than six months a year (if, at the time of harvest, more than one consumer, eligible under this section is entitled to a share of that crop, the applicant must state the proportion that his share bears to the total shares of all such consumers);

(4) The number of persons in his family unit (including himself) and the number of employees who work more than six months a year on the farm where the sugarcane or sugar beets were produced and for whom he regularly provides meals;

(5) The amount, if any, he or any member of his family unit has previously obtained under this section. (This amount when added to the amount stated under (6), must not exceed the total amount which the consumer may obtain under paragraph (a));

(6) The total amount of sugar he wishes to obtain. The representations made in this statement constitute representations made to the Office of Price Administration.

(d) *Records.* The primary distributor shall note on the statement delivered to him under paragraph (c) the amount of sugar delivered against the statement and shall retain all such statements at his principal business office as long as this order remains effective.

(e) *Restricted use.* Sugar may be obtained under this section only for the personal use of the consumer who obtains it or for the personal use of the members of his family unit or for use in the service of meals to his employees. The consumer or the members of his family unit may not sell, transfer, or deliver such sugar to any other person.

SEC. 1.5 *Isolated shepherds may apply for additional sugar*—(a) *Who may apply.* Shepherds may apply for ration evidences to obtain sugar (in addition to that which they can get with their stamps) if: (1) They live and work under isolated conditions without access to food supplies except those which they carry with them; (2) they carry their supply of food with them and prepare their meals themselves; (3) and they prepare such meals at a place where there are no permanent "kitchen" facilities or storage facilities.

(b) *How to apply.* Any shepherd eligible to get evidences under paragraph (a) may apply, in writing, to his District Office, in person, or by mail. One application may be made covering more than one consumer, but the name of each shall be listed on the application and must state:

(1) Where each shepherd included in the application will live and work during the period covered by the application;

(2) That he carries his food supply with him and prepares his meals himself;

(3) That he prepares his meals at a place where there are no permanent "kitchen" facilities or storage facilities;

(4) How many pounds of sugar he will need; and

(5) Length of period of isolation.

The applicant must also submit with his application the Book currently used to get sugar for each person for whom application is made.

(c) *Issuance of evidences.* The District Office may issue evidences under the conditions and in the amounts authorized by instructions issued by the "Washington Office." However, no District Office shall issue evidences unless it finds that each shepherd included in the application meets the tests set out in paragraph (a).

(d) *Notations on ration book.* Any District Office which issues evidences under this section shall enter a notation on the front cover of the Book submitted with the application showing:

(1) Its address;

(2) The date it issued evidences under this section;

(3) The amount of sugar authorized to be delivered by such evidences; and

(4) The period for which the supplemental ration was given.

SEC. 1.6 *Consumer may obtain adjustment for lost, damaged, destroyed, or stolen sugar*—(a) *How to apply.* A consumer whose sugar was lost, damaged, destroyed, or stolen, or was taken away by legal process or order of a court, may apply for evidences in an amount needed to replace such sugar. However, a consumer may apply for evidences to replace such sugar only if he has given up valid evidences to acquire the sugar which is lost, damaged, destroyed, stolen or taken away. The application must be made in writing to the District Office for the place where he lives. The application must state:

(1) The amount of sugar he wishes to replace;

(2) The way in which the sugar was lost, damaged, destroyed, stolen or taken away; and

(3) That he gave up valid evidences for the sugar which was lost, damaged, destroyed, stolen, or taken away.

(b) *Action on application.* If the District Office finds the statements made in the application to be true, it will issue to him evidences in the amount needed to replace the sugar.

(c) *Recovery of lost or stolen sugar or sugar that was taken away.* If the applicant gets back any of the sugar covered by his application, he must give up to the District Office, for cancellation, evidences covering the amount of sugar he recovers.

SEC. 1.7 *Sugar for feeding bees.* (a) A person who needs sugar for feeding bees may get sugar for that purpose in an amount not to exceed ten pounds per calendar year for each colony of bees. (Each newly installed package of bees and each queen mating nucleus shall be considered a full colony.)

(b) Application for all or part of this sugar allowance may be made at any time during a calendar year. It must be made on OPA Form R–356 to the District Office for the place where the applicant lives, (or, if the application is made in the course of his business, to the District Office for the place where his principal business office is located) and must give all the information called for by that form.

(c) On the first application during a calendar year for sugar under this section, the District Office shall issue evidences in the amount requested. However, that amount must not exceed ten pounds for each colony minus:

(1) The amount of sugar, if any, which the applicant obtained during the previous calendar year for feeding bees but did not use for that purpose;

(2) The amount of any advances obtained by him on future provisional allowances for feeding bees which he has not deducted from such future allowances.

(d) If an applicant does not on his first application during a calendar year receive evidences for the full amount permitted under paragraph (c), he may make one or more later applications for an additional amount up to the total amount permitted by paragraph (c).

(e) A person who during any calendar year has obtained the full amount of sugar for feeding bees that he is permitted to get under paragraph (c) may, during that calendar year, get an additional amount of sugar for that purpose if additional sugar is necessary to prevent the loss of his bees. Application for the additional sugar must be made to the District Office on OPA Form R–356, giving all the information required by the Form in respect to the additional sugar needed, and containing the certification of the local County Agricultural Adjustment Administration Committee that the additional sugar applied for is necessary to prevent the loss of the applicant's bees. If the District Office finds that the facts stated in the application are true, it will grant the application. The additional sugar granted to any person under this section must not exceed 15 pounds for each colony of bees during any calendar year.

SEC. 1.8 *Consumers who need more sugar because of illness may apply for evidences.* (a) Any consumer whose health requires that he have more sugar than he can get with his ration book (or under Article IX if he is eligible under that article) may apply for evidences

authorizing him to take delivery of such additional amounts. The application must be made, in writing, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the District Office for the place where the consumer lives. The application must be accompanied by a written statement signed by a licensed practitioner who is authorized by the laws of the State in which he practices to diagnose and treat the illness as to which the certification is made and who is lawfully entitled and properly qualified to register under the Federal Narcotic Law (26 USCA § 3221.) The statement must contain a specific diagnosis of the applicant's illness or condition; must show, if possible, the probable duration of the illness; and must show why the applicant must have more sugar and the amount he needs during the next ten weeks (or a shorter period if the illness is of shorter duration). If the District Office is unable to pass on the application it shall send it to the Regional Office for decision or take such other action as the Regional Office may authorize or direct.

ARTICLE II—INDUSTRIAL USERS

SEC. 2.1 *Reregistration between December 15, 1943, and January 5, 1944*—(a) *Who was required to reregister.* Every industrial user who had registered his industrial user establishment under this order before December 15, 1943, was required to register that establishment by filling OPA Form R–1200 at any time between December 15, 1943 and January 5, 1944, inclusive.

(b) *How owner of industrial user establishments reregisters them governs their operation.* If an industrial user has more than one industrial user establishment and they are registered separately (on OPA Form R–1200), each of those establishments must be treated and operated separately for all the purposes of this order (including computation of allotments and base period use), just as though the establishments were owned by different persons, and the industrial user is considered as a different industrial user as to each such establishment. If an industrial user has registered his establishments together, they are treated as a unit, for all purposes of this order. However, deliveries of sugar between such establishments may not be made except in accordance with Article XX and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration under that Article.

(c) *Industrial user must keep copy of registration.* Each industrial user must keep a copy of his registration on OPA Form R–1200. If he has more than one establishment which he registers together, the copy must be kept at his principal business office; otherwise it must be kept at the establishment it covers.

(d) An industrial user who did not register on OPA Form R–310 or reregister under paragraph (a), within the time limited for such registration or reregistration may apply to the District Office, in writing, for permission to register or reregister his industrial user establishment on a later date. The application must state:

(1) That his failure to register or reregister was due to circumstances beyond his control (in that case he must describe these circumstances), or because he was engaged in war activities;

(2) Whether he still has his industrial user equipment and establishment;

(3) Whether he used rationed foods during the base period; and

(4) If he did not operate his establishment, the reason for not operating it.

If the District Office finds that the industrial user failed to register his industrial user establishment on OPA Form R–310 or to reregister his industrial user establishment under paragraph (a) due to circumstances beyond his control, or because he was engaged in war activities, and that he used sugar during the base period, and that he still has his industrial user equipment and establishment, it shall permit him to register his establishment by filing OPA Form R–1200 and giving all the information required by that Form.

(e) *Industrial users were required to report their use of sugar during certain quarterly periods—(Base-period use or Base).* (1) As a part of his re-registration, an industrial user whose industrial user establishment is already registered under Rationing Order No. 3 was required to report, on Schedule II of OPA Form R–1200, the total number of pounds of sugar of which he made an industrial use (other than those for which he was entitled to receive a provisional allowance) at his industrial user establishment during 1941. The report showed the amount he used during each of the following quarters in 1941:

First quarter, January to March, inclusive.
Second quarter, April to June, inclusive.
Third quarter, July to September, inclusive.
Fourth quarter, October to December, inclusive.

(2) If his industrial user establishment did not use sugar during each month in 1941, the industrial user was permitted to divide the total amount used at his industrial user establishment from January 1, 1941 to April 27, 1942, inclusive, by the number of months in which the establishment was in operation during that period. In making that computation, the industrial user treated as a full month any calendar month in which he was in operation at least sixteen days. Any month in which he was in operation for less than sixteen days was treated for this purpose as a fraction of a month.) This figure was multiplied by three and the result was treated as the amount used during each quarter. (For example, if the industrial user first used sugar on November 17, 1941, he was deemed to have been in business for $5\frac{14}{30}$ months; accordingly, if he used 1,000 pounds of sugar from November 17, 1941 to April 27, 1942, inclusive, his sugar use would be, for each month in his base period, 1,000 divided by $5\frac{14}{30}$, or 183 pounds, and for each quarter 183 times 3 or 549 pounds.)

SEC. 2.2 *Industrial user allotments*—(a) *General.* To enable an industrial user to get and use sugar at his industrial user establishment, he is given an allotment for each use or product for which he has established a base-period use in accordance with this order. Allotments are given for fixed periods called allotment periods. The allotment periods are the following quarterly periods:

(1) First quarter: January to March, inclusive;

(2) Second quarter: April to June, inclusive;

(3) Third quarter: July to September, inclusive;

(4) Fourth quarter: October to December, inclusive.

(b) *Application for allotments.* Application for any allotments must be made, in person or by mail, to the District Office with which his establishment is registered on OPA Form R–1230. The application must be made not more than fifteen days before, nor more than five days after, the beginning of the period. However, the District Office may permit an application to be made at any time before an allotment period under such circumstances as the Washington Office of the Office of Price Administration may direct. The District Office, in its discretion, may also permit an application to be made at any time within the allotment period, but if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced by an amount which bears the same proportion to the allotment as the number of days which have lapsed from the start of the period bears to the total number of days in the period.

(c) *Amount of allotment.* The amount of an industrial user's allotment is determined on the basis of his use of sugar at his industrial user establishment during the quarter in the base period corresponding to the allotment period. The amount of sugar used by him during the quarter for which he has established a base period use is multiplied by the percentage or percentages fixed in the supplement to this order for that use or class of products and the numbers which result are added, and the total is his allotment, stated in pounds, for that use or class.

SEC. 2.3 *Increases in allotments based on increases in population*—(a) *The amount of increases.* An industrial user who in 1941 delivered to an area listed in the supplement to this order products for which he may obtain an allotment may, for each allotment period, obtain an increase in the allotment he is entitled to get under section 2.2. The amount of the increase is determined as follows:

(1) Determine the amount of sugar which he used in products he delivered in 1941 to the listed area.

(2) Determine the amount of sugar which he used in all products he delivered in 1941.

(3) Divide the number obtained in (1) by the number obtained in (2).

(4) Multiply the number obtained in (3) by the percentage shown for that area for such allotment period in section 4.1 of Supplement No. 1. (The result is the percentage by which the industrial user's allotment is increased.)

(5) If he made deliveries to more than one listed area, add together the percentage increases in allotment for all such

areas. (This is the total percentage by which his allotment is increased.)

(6) Multiply the total percentage increase (the figure obtained in (4), if he made deliveries to one listed area, or (5), if he made deliveries to more than one listed area) by the industrial user's allotment as determined under section 2.2 for the allotment period for each use or class of product. (This is the amount of the increase in allotment to which the industrial user is entitled, under this section, for that allotment period.)

(b) *How to determine what to include as deliveries.* Only final deliveries, directly or by independent carrier, are covered by this section. Deliveries to the following are not included: the Army, Navy, Marine Corps, or Coast Guard of the United States; Army Exchanges, Army Exchange Service, Post Exchanges of the Marine Corps, Ships Service Activities of the Navy or Coast Guard; other activities designated by the Army, Navy, Marine Corps, or Coast Guard; Food Distribution Administration, and Ships Service Stores of the Training Organization of the War Shipping Administration, the American National Red Cross, with respect to its acquisitions of food for consumption by members of the armed forces of the United States outside the United States, a naval vessel or naval activity of the United Nations, the Navy, Army and Air Force Institutes (of Great Britain), or for use as ships' or canteen stores in any ocean-going vessel of the United States or of any of the United Nations, or on any neutral vessel, designated by the War Shipping Administration, which is engaged in the transportation of cargo or passengers in foreign, coastal, or intercoastal trade. In determining 1941 deliveries to a listed area, only the following deliveries are to be included:

(1) Deliveries by the industrial user in 1941 of products in which he used sugar to all places in such area not specified in paragraph (c), and

(2) Deliveries of such products in 1941, with or without further processing by persons and from places specified in paragraph (c), wherever located, to all places in such area not specified in that paragraph.

(c) *Places referred to in paragraph (b).* The places referred to in the previous paragraph are the following:

(1) An industrial user establishment of the industrial user, or

(2) A plant or warehouse of the industrial user, or

(3) A plant or warehouse of a person having an exclusive contract to distribute the industrial user's products (with or without processing) in more than one listed area, or

(4) A plant or warehouse of a person owning more than 50 per cent of the stock of the industrial user corporation, or a plant or warehouse of a corporation or other organization more than 50 per cent of the stock of which is owned by that person or by the industrial user.

(d) *How application is made.* An industrial user's application for the increase in allotment allowed by this section must be made, in person or by mail, to the District Office with which he is registered. The first application for such increase must be made on OPA Form R–357. If an amendment to this order changes the amount of the increase in allotment to which an industrial user is entitled under this section, he must apply on OPA Form R–357 for the increase in allotment as so changed for the first period to which the amendment applies.

(e) *When application must be made.* Application for the increase for each period shall be considered made at the same time that application for the regular allotment for that period is made and shall be subject to the provisions of section 2.2 (b). (However, no application is considered made prior to the filing of the first application on OPA Form R–357.)

(f) *Records.* An industrial user who applies for an increase in allotment under this section must keep, at his office, available for inspection by the Office of Price Administration, the journals, ledgers, and other records and reports which he used in obtaining or furnishing the information on which such increase was based.

(g) *Restriction on use of increase.* An industrial user may use an increase provided by this section only in products to be delivered by him within the listed area for which he received the increase. As a further condition of using the increase, he must, in addition to his delivery of these products, continue to deliver within such area during the allotment period for which the increase is granted, at least the same proportion of his products, in sugar content (counting only sugar used by him), as he delivered within such area during 1941. An industrial user who receives an increase under this section for more than one listed area shall make the deliveries required by this paragraph in each such area.

(h) *Exception.* Notwithstanding the provisions of this section, an industrial user may not obtain an increase in his allotments under this section for the production of jams, jellies, preserves, marmalades or fruit butters (Class 18 of section 2.10).

SEC. 2.4 *Sugar for feeding bees.* (a) A person who needs sugar for feeding his bees may get sugar for that purpose under section 1.7.

(b) Notwithstanding anything to the contrary contained in this order, the use of sugar for feeding bees is not deemed an industrial use of sugar even if the honey produced by such bees is sold or transferred.

(c) The registration of any person who was registered as an industrial user on OPA Form R–1200 solely for the purpose of obtaining a provisional allowance for feeding bees was cancelled on June 30, 1944.

SEC. 2.5 *Industrial users must keep records.* Each industrial user must keep for as long as this order remains effective, at his office, records showing by months the amounts of sugar received by him, the amount of sugar used for each product and use listed in section 2.1 in Supplement No. 1 to this order, and the amount of each product processed or produced. (He may keep such records by classes of products if he wishes instead of keeping a record of each product.)

SEC. 2.6 *Allotment may not be obtained for provisional allowance purposes.* An industrial user is not entitled to receive an allotment for any product or use of sugar for which he is entitled to receive a provisional allowance. (The granting of provisional allowances of sugar is covered in Article XIX of this order).

SEC. 2.7 *When check is to be issued.* A check shall be issued to the industrial user, after proper application, for the total of the provisional allowance and the allotment or allotments applied for, less any adjustments required to be made by this order and less any excess inventory.

SEC. 2.8 *Adjustments.* (a) In issuing a check to an industrial user, the amount of his "excess inventory" must be deducted from the amount for which he may receive a check.

(b) "Excess inventory" includes:

(1) The amount by which his "present inventory" (sugar which he had on April 28, 1942, or which was stored for him or in transit to him on that date) exceeds the total of all his prior allotments and provisional allowances.

(2) All sugar (other than sugar which was included in his present inventory) received without giving up evidences.

(3) Sugar which an industrial user used (other than sugar which was included in his present inventory) after April 28, 1942, and prior to registration under the sugar rationing regulations.

(4) The amount by which a check received as a result of an earlier omission or mistake made in his application or by the Board or other office of the Office of Price Administration, exceeded the amount which the industrial user was entitled to receive.

(5) Any part of a provisional allowance obtained for a preceding period which was not used for the purposes for which the provisional allowance was made.

(6) The portion unused, on January 1, 1944, of any allotment obtained by the industrial user, as the owner of a "registering unit" (as defined in the sugar rationing regulations on December 14, 1943), for a purpose or product for which a provisional allowance may be obtained on such date.

(7) The unused portion of that part of the current allotment of an industrial user which was based on his use of sugar to make a product or use, for which product or use he becomes entitled to receive a provisional allowance.

(8) Any other sugar which the industrial user, as the owner of a "registering unit" (as defined in the sugar rationing regulations on December 14, 1943), was required under this section on December 14, 1943, to deduct from the amount of the check to be issued on the next application for the "registering unit."

(9) Any other amount charged as excess inventory as a result of action taken by the Office of Price Administration.

(10) The amount of imported sugar-containing products used in excess of the amount permitted by section 11.2 of this order.

(11) Any amount which an industrial user used for any product or use in excess of the amount he was permitted under this order to use for such product or use.

(12) The amount of any overdraft which an industrial user has failed to make good at the time his account or accounts are closed under section 2.14.

SEC. 2.9 *Amendment of registration when products are added to those for which industrial user may receive provisional allowance.* Any industrial user who becomes entitled to receive a provisional allowance must amend his registration, on OPA Form R–1200, within twenty days after he becomes entitled to receive the provisional allowance. He must reduce his base period use of sugar, shown on Schedule II of OPA Form R–1200, by the amount used by him during the base period to make the product or use for which he is entitled to receive the provisional allowance. He must also amend Schedule I of OPA Form R–1200 to show the products or uses made by him for which he is entitled to receive the provisional allowance. In addition, he must, at the same time, report to his District Office the unused portion of that part of his current allotment which was based on his use of sugar to make that product or use. That amount shall be considered excess inventory.

SEC. 2.10 *Use of allotments.* (a) Except as may be permitted by the Washington Office of the Office of Price Administration, an industrial user who obtains an allotment under this order may use sugar allotted to him only for the use or the production of the product on which his base period use was established, or for a use or for the production of a product included in the same class, according to the following classes:

1. Bread and other bakery products.
2. Baking mixes, including batters.
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni.
4. Ice cream; ices; sherbets; frozen custards; and mixes used for these purposes.
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks.
6. Bottled beverages (alcoholic and non-alcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; brandied fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes.
7. Mayonnaise and salad dressing.
8. Products fried in fat (except bakery products) such as nuts, potato chips.
9. Candy, chocolate; cocoa; chewing gum.
10. Sandwiches.
11. Dehydrated and dried soup and soup mixes.
12. Canned and bottled foods (not included in other items); table syrups.
13. Experimental, educational, demonstration, and testing purposes.
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops.
15. Pharmaceuticals (external).
16. All other classes: Food.
17. All other classes: Non-food.
18. Jams, jellies, preserves, marmalades and fruit butters.

(b) No industrial user may use more sugar in any allotment period for any purpose or use for which allotments may be obtained than his allotment for that period plus any unused part of his allotments for earlier periods. Sugar used under an allotment before the beginning of the period for which it was granted shall, for the purposes of this paragraph be considered to have been used in the period for which it was granted.

(c) An industrial user may not use sugar for any use or purpose unless he has registered his industrial user establishment on OPA Form R–1200.

SEC. 2.11 *Ration banking by industrial users.* (a) An industrial user may open an account for his establishment. If he has more than one establishment and they are registered together, he may, at his option, open a separate account for each establishment or for any group of such establishments. However, if an account is opened for any such establishment, all his other establishments which are registered with it must be served by an account or accounts.

(b) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with Article XV of this order.

(c) An industrial user whose establishments are registered together may transfer ration credits from one of his "industrial user" accounts to another by the issuance of a check without the delivery of sugar.

(d) If an industrial user who has more than one establishment registered together and who has more than one account for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

SEC. 2.12 *An industrial user who produced jams, jellies, preserves, marmalades, or fruit butters in 1944 may get an allotment.* (a) An industrial user who during 1944 produced, in accordance with the provisions of this order, jams, jellies, preserves, marmalades or fruit butters for delivery to persons other than the agencies listed in sections 13.1 and 13.2 of this order may obtain an allotment to produce these products.

He was required, when he applied for his allotment for the first allotment period in 1945, but in any event not later than January 5, 1945, to file with the Board or District Office with which his industrial user establishment was registered a statement on OPA Form R–315. It showed the amount of sugar he used in accordance with the provisions of this order at his establishment in each quarter of 1944 for the production of jams, jellies, preserves, marmalades or fruit butters. (However, in reporting his use of sugar to make those products, he excluded his use of sugar to make those products for agencies listed in sections 13.1 and 13.2 of this order.) If an industrial user applied for his allotment before January 5, 1945, he was permitted to give this information for the first three quarters of 1944 only.

(b) The Board (or District Office if he was registered there), was required to amend the applicant's registration on Form R–1200 to include his use of sugar in each quarter of 1944 to make these products for persons other than those listed in sections of this order. This use was considered his base period use.

(c) The Board (or District Office, if he registered there) was not permitted to grant an industrial user more than 50 percent of his allotment to produce jams, jellies, preserves, marmalades and fruit butters for the first period of 1945 and was not permitted to grant any allotment for subsequent periods to make these products until the industrial user had given the information required in (a) for all quarters of 1944 and accounted for the use of all sugar he obtained in 1944 as a provisional allowance to produce these products. Thus, a person was required to report monthly to the Office of Price Administration his use of sugar obtained as a provisional allowance to make jams, jellies, preserves, marmalades and fruit butters. If he used any such sugar to make these products, and has not reported such use to the Office of Price Administration he must make such report before he can receive any further allotments for those products.

SEC. 2.13 *General limitation on acquisition of sugar.* (a) Notwithstanding any other provisions of this order, an industrial user may not acquire sugar whenever he has on hand an amount of sugar equal to or more than one-third of his allotment.

SEC. 2.14 *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a District Office is notified by a ration bank that an industrial user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the industrial user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the District Office of that fact within five days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4);

(4) That his account will be closed and his ration banking privileges withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft;

(5) That he must give to the District Office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of ration evidences at least equal to the amount of the overdraft.

(b) If an industrial user fails to repay all overdrafts on the account in question within the time specified in the notice, the District Office shall instruct the bank to close the user's account. If the user

has more than one establishment registered together, and has more than one account for these establishments, the District Office shall instruct each of the banks where such an account is kept to close it. The District Office shall notify the user of the closing of the account or accounts and of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices:

(1) The bank shall close the industrial user's account and shall notify the District Office of the balance in the account as of the time it was closed;

(2) The user must give up to the District Office all ration checks and check books he has;

(3) The District Office with which the industrial user is registered shall charge the amount of the remaining overdraft to the industrial user as excess inventory.

(c) If an industrial user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the District Office in the way described in paragraph (b). If an industrial user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the account, the District Office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his latter overdraft is on the same account.) If he does not satisfy the District Office within five days after receipt of this notice that his account is not overdrawn, the District Office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b).

(d) When an industrial user's ration bank account has been closed under this section, the District Office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that he has no longer the right to draw ration checks.

(e) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any industrial user of this or any other order.

ARTICLE III—INSTITUTIONAL USERS

SEC. 3.1 *Institutional users.* An institutional user shall get allotments of sugar and use sugar only as provided in Revised General Ration Order 5.

ARTICLE IV—RETAILERS AND WHOLESALERS

SEC. 4.1 *Registering unit.* As used in this order "registering unit" refers to the retailer or wholesaler establishments which are included within such registering unit.

SEC. 4.2 *Prohibited deliveries.* Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall deliver sugar to any registering unit and no registering unit shall accept delivery of sugar from any person except upon the surrender to such person by the registering unit, pursuant to this order, of evidences covering the quantity of sugar so delivered.

SEC. 4.3 *Allowable inventory.* (a) A registering unit is permitted to obtain a working inventory of sugar which shall be known as the allowable inventory.

(b) The amount of the allowable inventory for a registering unit registering as a retailer is the quantity equal to one pound for each dollar of gross sales of all meats, groceries, fruits, vegetables, and similar products made during the week ending April 25, 1942 (or, if the component establishment began operations after April 20, 1942, the estimated sales for the first complete calendar week of operations), or one-quarter of the sugar delivered to and accepted by the registering unit during the month of November 1941, whichever is smaller: *Provided*, That if the component establishment was not in operation during the full month of November 1941, or if the information concerning the quantity delivered to and accepted by the registering unit during November 1941 cannot be ascertained, the allowable inventory shall be computed solely on the basis of the aforementioned gross sales.

(c) The allowable inventory of a registering unit registered as a wholesaler is the quantity of sugar equal to the total obtained by taking the quotient arrived at by dividing the amount of sugar delivered to the registering unit in 1941 by twice the number of months it made deliveries of sugar during 1941 and adding thereto the quantity of sugar equal to the shipping unit by which the registering unit customarily took delivery of sugar on or about December 1, 1941.

(d) A registering unit was, before December 26, 1944, permitted to apply for a temporary increase in its allowable inventory in an amount not to exceed fifty percent of the allowable inventory permitted such registering unit pursuant to paragraph (b) or (c). If it was registered as a retailer, it was also permitted to apply for a temporary increase not to exceed fifty percent of any permanent increase in its allowable inventory authorized by the Office of Price Administration.

(e) A registering unit was also, before December 26, 1944, permitted to apply for a temporary increase in its allowable inventory, in addition to the temporary increase it could have obtained pursuant to paragraph (d) of this section, in an amount equal to the temporary increase permitted such registering unit under paragraph (d) of this section. The increase granted under this paragraph was cancelled on January 26, 1945. A registering unit which had been granted an increase under this section may not accept any deliveries of sugar after January 26, 1945, unless he has surrendered to the Office of Price Administration for cancellation evidences covering the increase or obtained an adjustment under this order which provided for the cancellation of such increase.

SEC. 4.4 *Deliveries to registering units after registration.* After registration, the allowable inventory of a registering unit may be replenished upon the surrender, pursuant to this order, of evidences received by the registering unit from the persons to whom its component establishments delivered sugar.

SEC. 4.5 *Ration banking by retailers and wholesalers.* (a) Each owner of a registering unit which includes or is composed of one or more wholesale establishments, more than one retail establishment, or a single retail establishment whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2,500.00, shall open at least one account for all the component establishments of such registering unit.

(b) The owner of any other registering unit composed of only one retail establishment may open an account for such establishment if such establishment had an account on April 27, 1943. (A bank is not required to open or maintain such accounts, but if it does so, it must open or maintain them for any such retail establishment which applies.)

(c) The owner of a registering unit described in paragraph (a) of this section may, at his option, open a separate account for each establishment, or for any group of establishments, in such registering unit.

(d) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with Article XV of this order.

(e) An owner of a registering unit may transfer ration credits from one account to another by the issuance of a check without the delivery of sugar, if these accounts are carried for establishments in the same registering unit.

SEC. 4.6 *Records.* Establishment selling at retail or at wholesale shall keep records of all sugar received by them. An establishment operating as a wholesaler shall also keep a record of the names and addresses of all persons to whom sugar was delivered at wholesale and the quantities and dates of such deliveries. These records shall be kept at the office of the registering unit of which the establishment is a part and shall be made available for inspection by the Office of Price Administration. Such records shall be retained as long as this order remains effective.

SEC. 4.7 *Replacement of sugar lost in repackaging.* (a) A registering unit may obtain evidences covering the amount of sugar lost by the retail and wholesale establishments included in the registering unit in packaging sugar: *Provided*, That the amount of such evidences shall not exceed one percent of the amount of sugar thus packaged.

(b) Application for such evidences shall be made by the registering unit for each six-month period ending October 31 or April 30. It shall be made to the District Office in writing in the month following the close of each such period, and shall state, for the six-month period,

amount of sugar repackaged, lost in repackaging and the amount of sugar delivered.

SEC. 4.8 *Inventory of registering unit must equal "allowable inventory."* Any registering unit whose inventory (of ration evidences and sugar) is less than, or in excess of, its allowable inventory as shown by its registration on OPA Form R–305, Item 5e if a retailer, or Item 6e if a wholesaler, plus any increases in its allowable inventory granted by the Office of Price Administration, shall be presumed to have violated the provisions of section 22.13 of this order or sections 2.6 or 2.8 of General Ration Order 8 (delivery or receipt of sugar without getting or giving up evidences and receipt or delivery of evidences without delivering or getting sugar, as the case may be) unless it proves that:

(1) The shortage, if any, occurred since registration and was caused by loss, destruction, theft, loss through repacking or deliveries made under sections 8.3, 8.5 or 14.6 for which the registering unit has not received replacement under this order:

(2) The shortage, if any, was caused by the surrender of ration evidences to another registering unit or a primary distributor for a delivery of sugar not yet received;

(3) The excess, if any, was caused by the receipt of ration evidences from a person in contemplation, at the time of their surrender, of a delivery of sugar by the registering unit to that person;

(4) The excess or shortage, as the case may be, was caused by deliveries made in accordance with section 6.2 (c);

(5) The shortage was caused by a transfer of sugar in accordance with the provisions of section 18.6 in connection with the transfer for continued operation of part of a registering unit.

SEC. 4.9 *Certain registering units must make a semi-annual report of inventory.* (a) The owner of a registering unit which includes or is composed of one or more wholesale establishments or four or more retail establishments must file, semi-annually, with the District Office with which he is registered, a signed report on OPA Form R–346 or OPA Form R–346 (Rev.), as of the close of business on June 30 and December 31, respectively, and give the information required by the form. The report of inventory required under this section must be filed within thirty days after the date of inventory.

ARTICLE V—PRIMARY DISTRIBUTORS

SEC. 5.1 *Ration banking by primary distributors.* (a) Each primary distributor shall open at least one account for all his establishments, other than institutional or industrial user establishments within one week after becoming a primary distributor. If the primary distributor has more than one establishment he may, at his option, open a separate account for each establishment or group of establishments. Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. The primary distributor shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts and the name and address of the establishment or establishments to be served by each such account.

(b) Each primary distributor shall deposit all evidences received by him within the periods specified in section 6.2, each check transferred to him by endorsement within 20 days of its receipt by him, and each check, issued to him within twenty (20) days of the date appearing on its face.

(c) A primary distributor may issue checks against ration credits in his account only as provided in section 6.1 (e) or paragraph (d) of this section.

(d) On or before the 10th day of each month each primary distributor shall issue to the Washington Office of the Office of Price Administration a certified check covering the amount of evidences deposited by him during the preceding calendar month, minus the weight value of any checks issued by him during such preceding calendar month pursuant to section 6.1 (e).

SEC. 5.2. *Deliveries by primary distributors.* Except as is otherwise provided herein, a primary distributor may deliver sugar to persons not primary distributors, only upon receipt of evidences in the manner set forth in this order.

SEC. 5.3 *Records of primary distributors.* The primary distributor shall preserve for as long as this order remains effective at his principal business office records of all sugar delivered by him, the persons to whom such deliveries were made and the amounts thereof, the serial numbers of all certificates received therefor, the weight value of such certificates, and the amount of sugar delivered against them. He must also retain at his principal business office all statements received under section 14.1 (b) as long as this order remains effective.

SEC. 5.4 *Reports of primary distributors.* Each primary distributor must, on on before the 10th day of each month, report in writing to the Washington Office of the Office of Price Administration all deliveries made during the preceding month. The report shall be made on OPA Form R–347 and shall give all the information required by that form.

SEC. 5.5 *Orders or commitments for future deliveries.* (a) No primary distributor shall deliver sugar pursuant to a contract, agreement or commitment, regardless of when made, providing for delivery more than three days after the making thereof, directly or to a carrier for delivery. No primary distributor shall deliver sugar to fill any order, regardless of when received, calling for delivery more than three days after the receipt thereof, directly or to a carrier for delivery.

(b) This section shall not apply to deliveries of the Army or Navy of the United States or to any of the persons or agencies listed in section 14.2 of this order, or to deliveries of raw sugar which is not to be further refined or otherwise improved in quality.

SEC. 5.6 *Director of Food Rationing Division may issue instructions to importers of Cuban and Puerto Rican direct-consumption sugar.* (a) In accordance with the provisions of letter No. 2, to importers of Cuban and Puerto Rican direct-consumption sugar, dated November 2, 1943, as amended, issued by the Commodity Credit Corporation, conditioning reimbursement for deliveries of off-shore direct-consumption Cuban and Puerto Rican sugar upon compliance with instructions as to distribution, issued by the Office of Price Administration, the Director of the Food Rationing Division of the Office of Price Administration, may from time to time, by letter or otherwise, issue to importers of off-shore direct-consumption Cuban and Puerto Rican sugar, instructions covering the delivery of such sugar.

ARTICLE VI—RATION STAMPS, SUGAR RATION CHECKS AND COUPONS

SEC. 6.1 *Use of checks by depositors and non-depositors.* Notwithstanding anything to the contrary contained in this order:

(a) No depositor, and, on and after February 8, 1943, no person required to be a depositor, shall, except in accordance with Article XV of this order, surrender or transfer evidences which are valid for deposit.

(b) Whenever this order requires or authorizes the surrender or transfer of evidences to a person, other than a bank, for deposit, and such evidences are valid for deposit, a depositor shall not surrender or transfer such evidences but shall instead, under the same circumstances and with the same effect, issue to such person a check, valid for deposit, covering the amount of evidences.

(c) A person who neither is nor is required to be a depositor to whom a check is issued by a depositor or to whom a check is transferred by endorsement, may transfer such check by endorsement.

(d) A depositor who has received evidences from a registering unit or industrial or institutional user establishment may issue to it a check covering the amount of the sugar which he has not delivered against such evidences, but which he is then authorized to deliver to such registering unit or industrial or institutional user establishment.

(e) A depositor who has received evidences as authorization for the delivery of sugar by him may not, except as provided in paragraph (d), issue a check against any part of the credit created by their deposit except to the extent that he has delivered sugar against them.

(f) No person may accept evidences which he knows or has reason to believe are transferred or surrendered in violation of this section.

SEC. 6.2 *Nature and validity of checks and stamps.* (a) A check or stamps may be transferred only for the purpose of authorizing the consumer or registering unit to whom the check or stamp was issued to take delivery of the amount of sugar specified on the check or assigned to the stamp in the supplement to this order, and to permit the registering unit to which the check or stamp has been surrendered to take delivery of sugar in order to replenish its sugar inventory.

Stamps in the hands of a consumer are valid only if attached to a Ration Book.

(b) Each stamp authorizes delivery of sugar to a consumer only during the ration period assigned to such stamp in the supplement to this order. A stamp received in accordance with this order by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the stamp if such stamp is surrendered to another registering unit or a primary distributor within a month of the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such stamp. Except as provided in paragraph (e) of section 6.1, a depositor may issue checks at any time, against credits created by the deposit of a stamp. If the ration period assigned to a stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

(c) A primary distributor or a registered wholesaler receiving evidences from a registering unit upon request may deliver to such registering unit a quantity of sugar equal to the amount covered by the evidences so received, plus an additional quantity equal to either: (1) an amount, not in excess of 10 percent of the amount covered by the evidences so received, required to make a total quantity equal to that contained in a Shipping Unit; or (2) an amount not in excess of ninety-nine (99) pounds, required to permit delivery in shipping packages customarily used by the person making the delivery.

If the amount of sugar delivered is greater than the amount covered by evidences received, the person accepting the delivery shall be charged with excess and shall surrender evidences covering the excess before accepting delivery of any additional sugar from any person.

(d) As used in this section, the term "registering unit" includes industrial user establishments and establishments registered under Revised General Ration Order 5 as Group II, III, IV, V, and VI institutional user establishments.

SEC. 6.3 *Checks to be issued only in whole numbers.* (a) In any case in which the amount of a check to be issued under this order is not a whole number, the amount of the check is to be computed as follows:

(1) If the fraction is less than one-half pound, the fraction is to be dropped;

(2) If the fraction is one-half pound or more, the amount of the certificate or check is to be increased to the next whole number.

SEC. 6.4 *Surrender of checks and stamps.* (a) Checks or stamps must be surrendered by the consumer or registering unit receiving the sugar to the primary distributor or registering unit delivering the sugar at or before the time of delivery. A stamp must be detached by the consumer or the person acting on his behalf from the Ration Book of the consumer only in the presence of the person making delivery of the sugar.

(b) A registering unit or primary distributor to which stamps are surrendered by a consumer must paste the stamps on gummed sheets (OPA Forms R–120–A, R–140 or a similar sheet). The information required on the face of the sheets shall be filled in by the registering unit before it surrenders such sheet for the purposes of authorizing a delivery of sugar to it. The name and address of the registering unit, Collector of Customs, or primary distributor to whom the sheet is being surrendered shall be written on the back of the sheet by the registering unit surrendering the sheet. Before a sheet may be surrendered for the purpose of deposit, the person surrendering the sheet shall, if he affixed the stamps to the sheet, fill in the information required on the face of the sheet, or, if he received the sheet with stamps affixed, endorse it by writing his name on its back.

Home canning coupons (OPA Form R–342) and sugar coupons (OPA Form R–330 (Revised) and OPA Form R–348) must be pasted on gummed sheets and surrendered or deposited in the same way stamps are surrendered and deposited.

(c) As used in this section the term "registering unit" includes industrial user establishments and establishments registered under Revised General Ration Order 5 as Group II, III, IV, V, and VI institutional user establishments.

(d) Nothing in this section shall be construed to prohibit the surrender of evidences, in exchange for a delivery of sugar, subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender evidences at the time required.

SEC. 6.5 *Use of coupons.* Notwithstanding anything to the contrary contained in this order:

(a) Whenever this order authorizes the delivery of sugar to a consumer upon the surrender of stamps or checks, such delivery may be made upon the surrender by the consumer of coupons equal in weight value to the amount of sugar delivered.

(b) (1) A "home canning" coupon (OPA Form R–342) may be used by a consumer through November 30, 1945, to get five pounds of sugar. If received in accordance with this order by a registering unit which is neither a depositor or required to be one, it authorizes the registering unit to take delivery of five pounds of sugar through December 31, 1945. If surrendered to a depositor it shall be valid for deposit in his account through January 10, 1946. This coupon does not authorize delivery of sugar and may not be deposited unless the name of a member of the family unit to whom it has been issued and the number of his War Ration Book Four has been written by him on the coupon in the space provided for those purposes. This "home canning" coupon may not be accepted by a registering unit from a consumer unless the consumer presents for identification a War Ration Book Four. The name of the person to whom the War Ration Book Four has been issued and the serial number of that book must correspond with the name and serial number endorsed on the coupon.

(2) A "ration coupon" (OPA Form R–330 (Revised)) may be used by a consumer at any time to get one pound of sugar. If received in accordance with this order by a registering unit which is neither a depositor nor required to be one, it authorizes the registering unit to take delivery of one pound of sugar at any time. If it is surrendered to a depositor it is valid for deposit in his account at any time. (The one pound ration coupon may be issued only pursuant to Article IX of this order and sections 1.5, 1.7 and 1.8 of this order, and of Revised General Ration Order 5.)

(3) A "ration coupon" (OPA Form R–348) may be used by any person at any time to get ten pounds of sugar. If it is surrendered to a depositor it is valid for deposit in his account at any time. (The ten pound ration coupon may be issued only pursuant to Revised General Ration Order 5 and sections 1.5, 1.7 and 1.8 of this order.)

(c) Whenever a registering unit, primary distributor, or Collector of Customs receives a coupon in accordance with this order, it may deliver sugar against such coupon and surrender or deposit such coupon for the same purposes and with the same effect as if such coupon were a stamp, subject, however, to the provisions of this section.

SEC. 6.6 *Type of sugar authorized.* A check, stamp or coupon shall authorize delivery and receipt of any kind, type, or grade of sugar.

SEC. 6.7 *Stamps, checks and coupons may not be taken by legal process or acquired by will.* (a) No stamp, coupon or ration check or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a Ration Book, a coupon or a check has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp, coupon, check or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 6.8 *Destroyed, mutilated, or stolen stamps and coupons.* (a) A coupon that is torn or mutilated shall be valid only if more than one-half thereof remains legible and such remaining portion clearly evidences its weight value. A stamp that has been torn or mutilated is valid in the hands of the consumer only if more than one-half remains undetached in the book.

(b) If a stamp or coupon held by a registering unit or an industrial or institutional user establishment is lost, destroyed, or stolen, or becomes invalid be-

cause of mutilation, the person entitled to such stamp or coupon may apply for evidences in the weight value equal to that of the replaced stamp or coupon. The application therefor shall be made on OPA Form R–358 to the District Office by such person or his authorized agent.

(c) If a coupon held by a consumer is lost, destroyed, or stolen, the consumer may apply for replacement. The application therefor shall be made to the District Office on OPA Form R–194 (Rev.) by the consumer personally or by an adult member of his family unit or by an authorized agent.

SEC. 6.9 *Duty to ascertain validity of evidences.* No person shall make delivery of sugar if he knows or has reason to know that the evidences involved were not acquired by the person surrendering it in accordance with this order.

SEC. 6.10 *Notification to Office of Price Administration of legal proceedings.* It shall be the duty of every person holding evidences to notify the Regional or Field Office of the Office of Price Administration immediately upon the commencement of any legal action or proceeding involving such evidences.

ARTICLE VII—RATION BOOKS (ISSUANCE AND REPLACEMENT)

SEC. 7.1 *Sugar Ration Books.* (a) War Ration Book Four (OPA Form R–145) and Sugar Ration Book (OPA Form R–352) may be used to get rationed sugar. A War Ration Book Four or a Sugar Ration Book, even after it has been issued to any person, still remains the property of the United States, and may be used by him only in a way permitted by the Office of Price Administration.

SEC. 7.2 *Who may get a Ration Book.* (a) Every person residing in the United States for a period of 60 days or more may get either a War Ration Book Four or Sugar Ration Book except the following:

(1) Persons confined in a prison, asylum, or similar institution of involuntary confinement, whether public or private; and

(2) Members of the armed forces of the United States or a United Nation who are subsisted or authorized to be subsisted in kind, or who, although not subsisted or authorized to be subsisted in kind, eat at least 14 meals a week at a mess where the rationed foods used are acquired, directly or indirectly, by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, or by an officer authorized to issue such checks.

(b) No person shall apply for or have more than one Sugar Ration Book for his own use. If a person has a War Ration Book Four, he may not apply for or have a Sugar Ration Book.

SEC. 7.3 *Application.* (a) Application for a Sugar Ration Book shall be made on OPA Form R–146 (Revised) at the District Office having jurisdiction over the place where the applicant lives, or at any other place designated by the Office of Price Administration. One adult member shall sign the application for all members of a family unit (a group of persons who are related by blood, marriage or adoption and who regularly live in the same household) who are eligible to receive a Sugar Ration Book. A person who is temporarily away from home, for a period of sixty days or less, such as a student, traveler or hospital patient must be included in the family unit application. If there is no adult member of a family unit, application for the members of the family unit shall be made by the oldest member or by a responsible adult. All other applications must be signed by the person to whom the book is issued (or if he cannot write, his agent). The signature on the application shall be deemed to be a certification to the Office of Price Administration that the applicant has authority to sign for the person named in the application and that all statements made in it are true.

(b) Laborers who are brought into the Continental United States by any Federal Government Agency for the sole purpose of performing agricultural or other labor may not apply for a Sugar Ration Book under the provisions of this section. Sugar Ration Books may be issued to such laborers only in accordance with the procedure and under the conditions prescribed by section 7.5 of this order.

SEC. 7.4 *Issuance of Sugar Ration Book.* (a) Before issuing a Sugar Ration Book, the District Office shall remove all expired stamps and all valid stamps except the last stamp which became valid, and shall fill in the name and address of the person for whom it is issued.

SEC. 7.5 *Sugar Ration Books for imported laborers.* (a) Any Federal Government Agency which brings laborers into the Continental United States for the sole purpose of performing agricultural or other labor, may issue a Sugar Ration Book to each such laborer who needs it to get sugar. In addition, such agency may, in a proper case, issue a Sugar Ration Book as a replacement to any person whose book has been lost, stolen, destroyed, or mutilated or is being wrongfully withheld. When the laborer ceases to perform the work for which he was brought into the Continental United States, his War Ration Book Four or his Sugar Ration Book must be returned by the person who has it to the agency which issued it.

SEC. 7.6 *Sugar Ration Books for law enforcement or investigatory government agencies.* (a) A Sugar Ration Book may be issued by the Office of Price Administration, on such terms and conditions as it finds proper, to any law enforcement or investigatory agency of the United States, or of any state or local government, for the use of such agencies, and for distribution to and use by their officers, agents or employees in the performance of official duties.

(b) Any such government agency may apply in writing (on its official stationery or letterhead) to the District Office for the place where its principal business office is located. The application shall state the number of books which it needs and the purpose for which the books will be used.

(c) The District Office will issue the number of books which it finds will be needed by the government agency. Such books will be issued in blank.

SEC. 7.7 *Surrender of Ration Books.* (a) Within ten days after the death of a person in whose name a War Ration Book Four or a Sugar Ration Book has been issued, the person who has it shall mail it to any District Office.

(b) When a person in whose name a War Ration Book Four or a Sugar Ration Book has been issued is confined in an institution of involuntary confinement, whether public or private, for a period to exceed ten days, he shall turn his book over to an official of the institution. The book shall be returned to him when he leaves the institution.

(c) (1) Any person not a member of the armed forces of the United States shall turn his War Ration Book Four or his Sugar Ration Book over to any District Office when he leaves the United States for a period of more than thirty days. This provision does not apply to members of the Merchant Marine who leave the United States temporarily while on voyages. (A War Ration Book Four or a Sugar Ration Book issued to a member of the Merchant Marine may, however, be used to acquire sugar only for consumption at a common table with him when he is in the United States. "Members of the Merchant Marine" means all masters, officers and crew members employed aboard vessels flying the flag of the United States or of a United Nation.)

(2) A person shall surrender his War Ration Book Four or his Sugar Ration Book when he is or becomes a member of the armed forces of the United States and:

(i) Will receive or be authorized to receive subsistence in kind; or

(ii) Although not subsisted or authorized to be subsisted in kind, eats at least 14 meals a week at a mess where the rationed foods used are acquired, directly or indirectly, by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, or by an officer authorized to issue such checks; or

(iii) Leaves the United States for a period of more than thirty days. The books shall be surrendered to any District Office. However, the books may be taken up by an authorized officer of the Army, Navy, Marine Corps, or Coast Guard, for the purposes of delivering them to any District Office.

(d) Any person who has surrendered his War Ration Book Four or his Sugar Ration Book pursuant to paragraph (c) of this section, may apply for reissuance of a Sugar Ration Book in accordance with the procedure prescribed by section 7.3 if his status changes so that the conditions which required the surrender of the book no longer exist.

SEC. 7.8 *Application for replacement.* (a) An application for replacement of a ration book designated for the acquisition of sugar shall be made to the District Office having jurisdiction to act upon an original application for the issuance of the ration book sought to be replaced. Application shall be made on OPA Form R–194 (Revised) by the per-

son in whose name the ration book was issued, or his agent. The applicant must give all the information called for by the form.

SEC. 7.9 *Mutilated ration books.* (a) A ration book is mutilated if one or more of the unexpired sugar stamps or the validating stamp have been accidentally or mistakenly detached, or have been wilfully detached by a person other than the person to whom the book was issued.

(b) The multilated ration book must be surrendered to the District Office with the application. Stamps which have been detached from such ration book must, if possible, be submitted with the mutilated ration book. The District Office may require the applicant to submit additional proof. If the District Office finds that the ration book sought to be replaced was issued to the applicant and that it was mutilated, the District Office shall note its decision on the application and issue a new ration book immediately.

(c) If the ration book is being replaced because of mutilation, the District Office, before issuing the new ration book, shall remove all expired stamps and all valid stamps except the last stamp which became valid on or before the date the book is issued. However, if the applicant states that the ration book did not contain the currently valid sugar stamp at the time of the mutilation of such book, the last stamp which became valid on or before the date the book is issued shall also be removed.

SEC. 7.10 *Lost, destroyed or stolen ration books.* (a) An applicant seeking to replace a lost, destroyed or stolen ration book shall fill out OPA Form R–194 (Revised). The District Office must require the applicant to report the theft of a ration book to the police before considering his application. The District Office may also require the applicant to present additional proof.

(b) If the District Office finds from all the evidence that the ration book sought to be replaced was issued to the person seeking such replacement, that the loss, destruction or theft occurred, and that the applicant was unable to recover the book, it shall note its decision upon the application and issue a new book. No replacement book, however, shall be issued under the provisions of this paragraph until ten (10) days after the date of the filing of the replacement application.

SEC. 7.11 *Wrongfully withheld ration books.* (a) If the applicant claims that his ration book is being wrongfully withheld from him by another person, the District Office shall hold a hearing. It shall give notice of the time and place to the applicant when he applies for replacement. Furthermore, the District Office shall give three days' notice by mail to the alleged wrongful holder to appear at the hearing and to bring the applicant's ration book with him.

(b) If the District Office finds at the hearing that the ration book sought to be replaced is being wrongfully held by a person other than the person in whose name the ration book was issued, it shall order the wrongful holder to surrender it to the applicant. If the wrongful holder fails to appear at the hearing or refuses to surrender the ration book, the District Office shall immediately issue the new ration book to the applicant and notify the district enforcement attorney of the wrongful holder's action.

SEC. 7.12 *Tailoring of books which are replaced because of loss, theft, destruction or wrongful withholding.* (a) If a ration book is being replaced because of loss, theft, destruction or wrongful withholding, the District Office, before issuing the new ration book, shall remove all expired stamps and all valid stamps except the last stamp which became valid on or before the date the book is issued. However, if the applicant states that the ration book did not contain the currently valid sugar stamp at the time of the loss, theft, destruction or wrongful withholding of such book, the last stamp which became valid on or before the date the book is issued shall also be removed.

ARTICLE VIII—DELIVERIES OF SUGAR WITHOUT GETTING EVIDENCES

SEC. 8.1 *Delivery of sugar for carriage or storage.* Any person may deliver sugar to any other person for carriage or storage without getting evidences. The sugar may thereafter be delivered by such other person, without getting evidences, either to the person from whom the sugar was received, or to a person to whom the right to receive such sugar has been transferred under this order.

SEC. 8.2 *Security interests in sugar may be created and released without giving up evidences.* (a) No evidences need be given up for a delivery of sugar, or of any interest in it, for security purposes only. (For example, if sugar is pledged or mortgaged, the person with whom it is pledged or mortgaged need not give up evidences.)

(b) No evidences need be given up for a release of a security interest in sugar, or for a return of the sugar to the person who originally delivered it for security purposes. (For example, a person who pledged sugar may get it back without giving up evidences. Similarly, a person who gives a chattel mortgage on his sugar need not give up evidences when the mortgage is ended.)

SEC. 8.3 *Disposal of damaged sugar and undamaged sugar mingled therewith or sugar in a package, bag, or other container damaged while in transit by common carrier.* (a) Sugar which is damaged and undamaged sugar mingled therewith, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be delivered by any person who has it, without getting evidences to:

(1) Primary distributors;

(2) Any person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business;

(3) Common or contract carriers in connection with the right of subrogation or by virtue of the payment by them of a claim for damage to such sugar or container; and

(4) Persons engaged principally and primarily in the business of adjusting losses or selling or reconditioning damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties or in direct connection with the adjustment of losses resulting from casualties.

(b) Any person described in paragraph (a), (2), (3), or (4) who acquires such sugar under paragraph (a) must make a report of such transaction, in writing, to the district office for the place where his principal business office is located. The report must indicate how he intends to dispose of such sugar.

(c) Following such report, undamaged sugar which has been mingled with, but which can be and is separated from damaged sugar, or sugar which is in a package, bag, or other container damaged while in transit by common carrier may be disposed of by such person, but only in the way permitted by section 8.5 (c) (1), (2), (3), and (4). Damaged sugar and undamaged sugar mingled therewith which cannot be separated therefrom may be disposed of but only as follows: by delivery, directly or by carrier, without receiving evidences, to (1) a primary distributor or (2) any person for storage purposes. If such sugar is delivered for storage, it may later be delivered, without receiving evidences, to a primary distributor.

SEC. 8.4 *Recovery of lost or stolen sugar.* (a) Sugar which has been lost or stolen may be recovered without the surrender of evidences by the person rightfully in possession thereof when it was lost or stolen, or by a person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business or by a common or contract carrier in connection with the right of subrogation or by virtue of the payment by it of a claim for such loss or theft. Such recovery may be made directly or through a government agency or other person authorized to secure such recovery.

(b) A registering unit or an industrial or institutional user who recovers lost or stolen sugar for which he has obtained evidences under section 17.2 must report such fact in writing to the district office for the place where he is registered. The report must also state the amount of such sugar and how he intends to dispose of it. Such sugar may thereafter be disposed of by the registering unit or industrial or institutional user, but only in the way provided by section 8.5 (c) (1), (2), (3), and (4).

(c) An insurer or carrier who recovers lost or stolen sugar must report such fact in writing to the district office for the place where his principal business office is located. The report must also state the amount of such sugar and how he intends to dispose of it. Such sugar may thereafter be disposed of by the insurer or carrier, but only in the way provided in section 8.5 (c) (1), (2), (3), and (4).

SEC. 8.5 *Delivery of sugar for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* Sugar may be delivered without the receipt of evidences to a person who gets it for liquidation only. Also, no evidences need be given up for sugar delivered as part of a judicial proceeding or by operation of law, or for sugar delivered under the direction of or pursuant to an order of

a court or by judicial process. (For example, sugar may be taken over by a creditor, under a court order, without any surrender of evidences. If sugar is assigned for the benefit of creditors, the person to whom it is assigned need not give up evidences to the person making the assignment. Also a person need not give up evidences when he inherits sugar or acquires it by will.)

(b) *Transferee must report acquisition.* A person who acquires sugar under paragraph (a) without giving up evidences must, within five days after receiving such sugar, file a report, in writing, with the district office, for the place where his principal business office is located, showing:

(1) The amount of sugar acquired;

(2) The name and address of the person from whom the sugar was acquired;

(3) The way in which the sugar was acquired and the date when it was delivered to him; and

(4) How he intends to dispose of the sugar.

(c) *How transferee may dispose of the sugar.* After making the report under paragraph (b), the transferee may dispose of the sugar in the following ways:

(1) He may sell or deliver it to a primary distributor without getting evidences;

(2) He may sell or deliver it in the same way that a "retailer" is permitted to sell or deliver sugar. However, in such case, he must, within five days after the sale or delivery, give up to the District Office, the evidences received;

(3) If he is an industrial user, he may use the sugar if he treats it as "excess inventory," or

(4) If he is an institutional user, he may use the sugar if he surrenders evidences, covering the amount of such sugar, to the district office for the place where his principal business office is located.

(d) *Consumer inheritance.* A consumer who acquires sugar from another consumer by inheritance or by will may use the sugar without giving up evidences.

SEC. 8.6 *Miscellaneous records.* Any person required to make a report to the District Office under section 8.3, 8.4, or 8.5, shall preserve for as long as this order remains effective at his principal business office records of all sugar received or delivered by him, the person by whom or to whom such deliveries were made and the amounts thereof, the weight value of all evidences received by him for such deliveries, and the amount of sugar delivered against such evidences. Such records shall be made available for inspection by the Office of Price Administration.

SEC. 8.7 *Exchange and loans of sugar.* (a) Any person may exchange sugar of different types with any other person if the amounts exchanged are equal. No ration evidences are needed to authorize deliveries of the sugars involved in such exchange.

(b) Upon authorization by the "Washington Office" of the Office of Price Administration, a primary distributor may get sugar from any person as a loan, and thereafter deliver to such person an amount of sugar not exceeding the amount thus received. Such deliveries may be made without getting evidences.

SEC. 8.8 *An industrial user may deliver sugar or ration evidences for industrial use*—(a) *General.* A registered industrial user may deliver sugar without getting ration evidences (subject to the provisions of section 20.1), or he may transfer ration evidences without getting sugar, to any person for making an industrial use of that sugar (or ration evidences) which the transferor is entitled to make under section 2.10 if the product will be distributed in the same area and to the same general class of customers served by the transferor before the delivery; or for making a product not included in that class of products or uses if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is entitled to make under section 2.10, and the transferor will so use it. However, prior to the delivery of the sugar or evidences the transferor and transferee must give the notice required under paragraph (b) of this section.

NOTE: Sugar or evidences may not be given up under this section to make a product for which a provisional allowance may be obtained.

(b) *Notice.* Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the District Office with which the transferor is registered. The notice must be given at least two weeks in advance of any delivery of sugar or ration evidences under this section and must state:

(1) The amount of sugar or ration evidences involved;

(2) The names and addresses of both parties;

(3) The use to be made of the sugar delivered (or of the sugar acquired with the ration evidences transferred);

(4) If the product to be made is one not included in the same class of products which the transferor is entitled to make, that it will be transferred to the transferor;

(5) If the product to be made is one included in the same class of products which the transferor is entitled to make the notice must also state:

(i) The class of customers and the area served by the transferor; and

(ii) That the product made will be distributed to that class of customers in that area.

However, the District Office with which the transferor is registered may authorize deliveries to be made in a period of less than two weeks after the notice is given if it is satisfied that the provisions of this section will be complied with.

(c) *The transferee may use any sugar or ration evidences obtained under this section whether or not he is registered.* The transferee may use sugar delivered or ration evidences obtained in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the sugar or ration evidences in addition to any use permitted him under section 2.10 of this order.

(d) *Use of sugar or ration evidences and distribution of products.* The transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section only to make the products stated in the notice (or for other uses or other products in the same class) and only to the extent that the transferor might use the sugar or ration evidences for that purpose. Furthermore, whichever of them distributes products which the transferee makes with such sugar to anyone else must distribute those products in the same area and to the same general class of customers as the transferor served prior to the delivery. If the transferee distributed products of the same class to the same area and general class of customers before receiving the sugar or ration evidences under this section, he must continue to distribute to that area and class of customers at least the same proportion of the products made with the sugar alloted to him for that class of products as he distributed before he obtained sugar or ration evidences under this section. Any sugar used by the transferee under this section is considered to have been used by the transferor as well as the transferee. Notwithstanding the provisions of this paragraph, the transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section to make a product not included in the same class of products or uses which the transferor is entitled to make if the transferee delivers such product to the transferor for use in producing a product which the transferor is entitled to make under section 2.10. The transferor must use this product only to make a product in his permissible class.

(e) *Records.* The transferee must make and keep for as long as this order remains effective at his principal business office, records showing by months the amounts of sugar received by him under this section and the amount used for each product processed or produced with the sugar.

(f) *Ration banking by transferee.* The transferee may open a ration bank account in the same way as a registered industrial user may open an account.

ARTICLE IX—TEMPORARY RATIONS

SEC. 9.1 *Servicemen on leave or furlough or who eat occasionally at certain places may get coupons or other ration evidences to acquire sugar*—(a) *Eligibility.* Any of the following persons may obtain temporary rations of sugar if they neither have nor are entitled to have the ration book which contains stamps designated for the acquisition of sugar:

(1) Any member of the Army, Navy, Marine Corps or Coast Guard of the United States (including overseas personnel assigned to temporary duty in the United States) or a member of the armed services of the Allied Nations, who is on leave or furlough for a consecutive period of seven days or more, if he intends to eat during the time he is on leave or furlough at any place, where sugar is acquired by using the stamps or coupons of the people eating there:

(2) Any member of the Army, Navy, Marine Corps or Coast Guard of the

United States or the Allied Nations who (although receiving subsistence in kind or messed under an officer's command, and not on leave or furlough) will eat at least twenty-one meals a month at any place where sugar is acquired by using the stamps or coupons of the people eating there:

(3) Any member of the armed services of the United States or Allied Nations on temporary duty in the United States for at least seven, but less than sixty days, if he intends to eat at any place where sugar is acquired by using stamps or coupons of the people eating there.

(b) *Application.* The aplication must be made on OPA Form R–353. The applicant must fill out all of the information called for by the form and it must be signed by the applicant. The application must be filed with the nearest District Office in the State to which the ration evidences are to be mailed, during the period of time stated in the application or within fifteen days after the end of the period.

(c) *Issuance of coupons or other ration evidences.* (1) If the District Office finds that the applicant:

(i) Neither has nor is entitled to have a ration book containing stamps designated for the acquisition of sugar; and

(ii) Will be (or was) on leave or furlough for a consecutive period of at least seven days and intends to eat (or ate) during the time, at a place where sugar is obtained by using the stamps of the persons eating there, although not on leave or furlough, he will eat (or ate) at least twenty-one meals during a month at such a place, or that he is (or was) on temporary duty in the United States for at least seven, but less than sixty days, and intends to eat (or ate) at such a place, it shall issue coupons by which the sugar he eats (or ate) can be acquired or replaced. The coupons if issued to applicants who are not on leave or furlough shall be for one pound of sugar for each twenty-one meals: all other applicants shall be issued coupons on the basis of one pound of sugar for seven through twenty days, two pounds of sugar for twenty-one through thirty-nine days and three pounds of sugar for forty through fifty-nine days which he will eat at such place during the period of time stated on the application. No coupon, however, shall be issued to an applicant who is not on leave or furlough, for longer than a one month period, nor shall any coupon issued to such applicant be computed on the basis of more than three meals a day. Aplications signed prior to January 1st, 1946 may be granted through January 15th, 1946 pursuant to the provisions of General Ration Order 9 on December 31st, 1945.

SEC. 9.2 *Temporary sugar rations for persons other than servicemen.* (a) Temporary sugar rations may be issued to persons who neither have nor are entitled to have the ration book which contains stamps designated for the acquisition of sugar, if they need ration evidences to acquire that food because they eat at a place where sugar is acquired by using the stamps or coupons of the people eating there. (This section does not apply to members of the Army, Navy, Marine Corps or Coast Guard of the United States or members of the armed services of the Allied Nations. They can get rations of this type only under the preceding section.)

(b) Temporary sugar rations may not be issued to cover a period of less than 15 days or more than 60 days. An application for temporary sugar rations must be made in writing and must be signed by the applicant or an authorized agent. The application must state:

(1) That the applicant neither has nor is entitled to have a ration book containing stamps designated for the acquisition of sugar;

(2) The number of days the applicant will need ration evidences in order to acquire sugar because he is to eat at a place where sugar is acquired by using the stamps or coupons of the people eating there;

(3) That the applicant has not received ration evidences under this section for any of the days covered by the application. The application may be filed at any District Office.

(c) If the District Office finds the facts stated in the application to be true, it shall issue coupons by which the sugar the applicant eats can be acquired. The coupons shall be for one pound of sugar for each full 15 days during which the applicant will eat at a place where sugar is acquired by using the stamps or coupons of the people eating there.

ARTICLE X—IMPORTS

SEC. 10.1 *Imports.* (a) Sugar may be brought to a place subject to this order from a place not subject to this order, if it is delivered to the Collector of Customs at the point of entry into the United States. Such sugar may be delivered to the Collector without the receipt of evidences.

(b) The Collector of Customs may deliver sugar received by him to a consumer, registering unit, or an industrial or institutional user establishment upon receipt of evidences covering the amount of sugar delivered, or an authorization by the Office of Price Administration to such registering unit or industrial or institutional user establishment authorizing it to take delivery of such sugar.

Evidences received by the Collector of Customs shall be delivered, at least once each calendar month, to the district office having jurisdiction over the area in which such point of entry is located. Authorizations received by the Collector of Customs shall be delivered, at least once each calendar month, to the Office of Price Administration.

(c) The Collector of Customs may deliver sugar, received by him and brought from a place other than Canada, to a primary distributor without the receipt of evidences.

(d) Applications for authorization to take sugar from the Collector of Customs shall be made, in writing, to the Office of Price Administration by the registering unit or industrial or institutional user. Such authorization shall not be deemed to increase the allotment of the industrial or institutional user.

(e) Except as otherwise permitted in this order or as authorized by the Office of Price Administration, no person shall bring sugar into a place subject to this order from a place not subject to this order or receive sugar from the Collector of Customs.

SEC. 10.2 *Imports of sugar by certain persons.* (a) Notwithstanding any provision to the contrary contained in this order, the following persons may receive sugar from the Collector of Customs and the Collector of Customs may deliver sugar to them without the surrender of evidences.

(b) Upon request by the Department of State, representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937.

(c) Members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the sugar is consigned or addressed to them and is intended for their personal or official use.

(d) Enemy prisoners of war and enemy civilian internees and detainees in the United States, where the sugar is consigned or addressed to them.

ARTICLE XI—IMPORTED SUGAR-CONTAINING PRODUCTS

SEC. 11.1. *General.* (a) For the purposes of this article:

(1) "Imported sugar-containing product" means any product in which sugar was used (or containing an ingredient in which sugar was used), manufactured outside the 48 States of the United States and the District of Columbia.

(2) Whenever any reference is made to the "amount" of an imported sugar-containing product, it shall be taken to mean the amount of sugar used in that product.

SEC. 11.2. *Amount of imported sugar-containing products which may be used.* (a) Any person may use imported sugar-containing products in the production or manufacture, or in the preparation for service, of other products, without giving up evidences as follows:

(1) He may, during the period from May 1, 1944, through June 30, 1944, and during any quarterly period (or two-month period in the case of an institutional user) beginning on or after July 1, 1944, use an amount not exceeding that which he used during the corresponding period in 1941. If, however, during any such period he uses an amount of imported sugar-containing products which is less than the amount he used during the same period in 1941, he may use the difference during any subsequent quarterly period (or two-month period in the case of an institutional user).

(2) He may also use any imported sugar-containing products in his possession or in transit to him on May 1, 1944, if by that date they were already in any of the 48 States of the United States or the District of Columbia and had been released by the Collector of Customs.

(b) If a registered industrial or institutional user desires to use a larger

amount of imported sugar-containing products than permitted by paragraph (a), he must give up to the District Office ration evidences covering that additional amount.

(c) The above restrictions do not apply to any imported sugar-containing products which a person uses primarily for consumption by himself, members of his family unit, or persons eating at his table or on a farm he operates.

(d) No person may use an imported sugar-containing product in the production or manufacture, or in the preparation for service, of other products, except to the extent permitted by this section, unless specifically authorized by the Director of Food Rationing of the Office of Price Administration.

(e) A person who uses imported sugar-containing products must make and keep a record showing the amount used by him in each month beginning with May 1944. In addition, every person who uses imported sugar-containing products under paragraph (a) (1) of this section must make and keep a record showing the amount he used in each month of 1941 and a person using imported sugar-containing products under paragraph (a) (2) of this section must keep a record showing the amount in his possession or in transit to him on May 1, 1944. (This paragraph does not apply to products used as permitted by paragraph (c).)

(f) Every person who uses imported sugar-containing products must, within ten days after the quarterly period (or two-month period in the case of an institutional user) in which he uses them, report to the district office, in any convenient form, the amount he used in that period. He must, in addition, when making his first report, attach a statement showing the amount he used during each quarter (or two-month period in the case of an institutional user) of 1941, and a statement showing the amounts in his possession and in transit to him on May 1, 1944, if by that date they were already in any of the 48 states of the United States or the District of Columbia and had been released by the Collector of Customs. (This paragraph does not apply to products used as permitted by paragraph (c).)

SEC. 11.3 *Deliveries of imported sugar-containing products.* (a) Any person who knows or has reason to believe that a product is an imported sugar-containing product may not deliver it unless the container in which it is packaged when delivered is marked to show plainly that it is an imported sugar-containing product. Any invoice or sales slip involving an imported sugar-containing product must be similarly marked.

(b) Any person who knows or has reason to believe that a product he is delivering is an imported sugar-containing product which will be used in the production or manufacture, or in the preparation for service, of another product (other than under section 11.2 (c)), must make and keep a record showing the amount of sugar in the product, the date of delivery, and the name and address of the person to whom the delivery is made.

(c) Any person who imports or receives an imported sugar-containing product from the Collector of Customs must keep a record showing the amount of sugar in the product.

(d) Any person who imports or receives imported sugar-containing products from the Collector of Customs shall, beginning in June 1944, prepare and sign a report in duplicate, in any convenient form, stating:

(1) The amount imported by him during the preceding month;

(2) The names and addresses of the persons to whom he delivered imported sugar-containing products during the preceding month and the amount delivered to each such person; and

(3) The amount of such products in his possession at the close of business on the last day of the preceding month.

He must, in addition, when making his report covering the month of June 1944 include a statement of the amount of imported sugar-containing products in his possession on May 1, 1944. The original of the report shall be sent to the Office of Price Administration, Washington, D. C., not later than the 10th day of each month; the duplicate shall be retained by the person reporting.

However, the importer shall exclude from his report the amount of sugar contained in lollipops, chewing gum, Guava shells, or any individually wrapped candies not exceeding three ounces in net weight each.

SEC. 11.4 *Miscellaneous record-keeping provision.* (a) A person required to keep records under sections 11.2 and 11.3 must keep them at his principal business office as long as this Order is effective and must make them available for inspection by representatives of the Office of Price Administration.

ARTICLE XII—EXPORT OF SUGAR

SEC. 12.1 *Who may export sugar.* Any person may export sugar to a foreign country or to any territory or possession of the United States (other than the District of Columbia) without giving up or receiving evidences.

SEC. 12.2 *Export of sugar to certain persons.* Sugar is considered "exported", even though not as yet sent out of the country, if it is properly mailed to one of the following addresses, to a person who has been assigned that address:

(a) Any Army Post Office address at one of the following cities:

Boston, Massachusetts.
Charleston, South Carolina.
Hampton Roads, Virginia.
Miami, Florida.
New Orleans, Louisiana.
New York, New York.
San Francisco, California.
Seattle, Washington.

(b) A Fleet Post Office address at one of the following cities:

New York, New York.
San Francisco, California.

SEC. 12.3 *How evidences may be obtained to acquire sugar for export.* (a) Any person who desires to export sugar to any foreign country or to any territory or possession of the United States (other than the District of Columbia) may apply to the District Office on OPA Form No. R-1227 (Rev.) for evidences with which to acquire such sugar. The application must state:

(1) His name and address. (If the export is to be made in the course of his business, the applicant's business address should be given; if not, his residence address);

(2) The port (or other shipping point) from which the sugar will be shipped, and how it is to be shipped; or, if the sugar is to be exported by mail, the address of the post office from which it will be mailed;

(3) The name and address of the person to whom the sugar is to be exported;

(4) The amount of sugar to be exported.

(However, military or naval information which is secret in nature need not be disclosed.)

(5) That the value of the sugar contained in any package to be exported, other than one to be exported to a place designated in section 12.2 of this article, will be twenty-five dollars, or more;

(6) If the export is to be made to any place other than Canada or possession of the United States, the number of the export license covering the export issued by the Department of Commerce.

(b) The District Office shall issue evidences for the amount of the sugar to be exported, if it finds:

(1) That the sugar for which the application is made will be exported;

(2) If the export is to be made to any place, other than Canada or a territory or possession of the United States, that the applicant has a license covering the export issued by the Department of Commerce; and

(3) That the value of the sugar to be exported in each package for which evidences are requested is twenty-five dollars or more; or, if less than twenty-five dollars, that the package is to be sent to one of the places designated in section 12.2 of this article.

(c) No person may use sugar acquired with ration evidences issued under this section for any purpose other than export. However, if he is unable to export any such sugar, he may dispose of it by transfer or delivery in the way that a "retailer" is permitted, under this order. Immediately after so disposing of the sugar he must give up to the District Office evidences covering the amount of sugar so transferred or delivered.

SEC. 12.4 *All advances must be accounted for.* (a) A person who received evidences under section 12.3 must within 30 days after receiving them, account to the District Office for all evidence so received, by giving proof of export, or by returning to the District Office evidences for the difference between the value of those received and the value of the sugar exported.

(b) (1) Notwithstanding the provisions of paragraph (a) a person who has received an advance of evidences under section 12.3 and has been unable to export the sugar within 30 days after receiving the evidences may apply for an additional 30 days in which to make the accounting required under paragraph (a). The application must state:

(i) The amount of sugar, if any, the applicant obtained with the evidences issued to him under this order;

(ii) The weight value of evidences issued to him under this order, he still has on hand, if any;

(iii) Why he was unable to export the sugar within 30 days after receiving the evidences; and

(iv) That he will export the sugar.

(2) The District Office may grant the 30-day extension if it finds that the applicant has at the time of application the sugar, or evidences, that he was unable to export sugar during the prescribed time, and that he will export the sugar.

(3) At the end of the 30-day extension provided in (1) he may apply for and get additional 30-day extensions in the same way and under the same conditions as provided in (1).

SEC. 12.5 *How a person who has not received an advance obtains replacement.* (a) A registered retailer, wholesaler, primary distributor, who exported sugar and who did not receive evidences for the sugar either under section 12.3 or in any other way, may apply to the District Office, in writing, for evidences covering the sugar exported. He must submit proof of export with his application. The application must state:

(1) If the export was made to any place, other than Canada or a territory or possession of the United States, the number of the license, covering the export issued by the Department of Commerce.

(2) That the value of the sugar in each package exported was twenty-five dollars or more, if the package was not exported to a place designated in section 12.2 of this order.

NOTE: For the purposes of this order, the Philippines are not considered a territory or possession of the United States.

(b) The District Office shall issue to the applicant evidences for the sugar exported if it finds that:

(1) He exported sugar;

(2) The value of the sugar in each package exported is twenty-five dollars or more, or, if less than twenty-five dollars, that the package was sent to one of the places designated in section 12.2 of this order;

(3) He has not already received evidences for such sugar; and

(4) If the export was made to any place, other than Canada or a territory or possession of the United States, that the applicant had an export license covering the export.

SEC. 12.6 *Proof of export.* (a) Any person who needs to submit proof of export under section 12.4 or 12.5 must, unless the foods are exported by mail, submit a copy of a shipper's Export Declaration (Commerce Form 7525) or a bill of lading to the District Office within 30 days after the export. The declaration must show the amount of sugar exported, and contain a statement signed by a customs official that, to the best of his knowledge and belief, such sugar was exported by such person. The bill of lading must show the amount of sugar exported, and contain a statement dated and signed by the master of the vessel or an authorized official of the carrier on which the sugar was consigned or shipped, acknowledging receipt of the sugar described and stating that it is destined for export.

(b) If export sugar was consigned to any agency of the United States the exporter may submit a bill of lading, manifest, or other satisfactory evidence that it was actually exported to such agency of the United States.

(c) If the sugar is exported by mail, the person exporting it shall obtain from the post office a certificate of mailing (Post Office Form No. 2965, 3817, 3877, 3881, or 3882) in which, at the time of mailing, he shall write his name and address and the name and address of the person to whom the sugar is being mailed. A statement signed by the person mailing the package, describing the amount of sugar contained in the package, shall be attached to the certificate. The certificate of mailing and any accompanying statements required by this paragraph, must be submitted to the District Office within 15 days after mailing.

(d) Any agency of the United States which has exported sugar need not submit any formal proof of export, in order to obtain replacement and need not account for evidences advanced under section 12.4.

SEC. 12.7 *District Offices may be authorized to grant evidences for exports not covered by this order.* The Washington Office may authorize District Offices to grant evidences for exports not covered by this order.

SEC. 12.8 *Issuance of ration checks for sugar.* (a) Before issuing any sugar ration check under the provisions of this order, the District Office shall type or stamp in ink on the back of each such check the following notation:

Not valid for deposit except by a primary distributor. Transfer by endorsement only.

ARTICLE XIII—REPLACEMENT OF SUGAR USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

SEC. 13.1 *Designated agencies.* (a) For the purposes of this article, the term "Designated Agencies" includes:

(1) The Army, Navy, Marine Corps, and Coast Guard of the United States;

(2) Army Exchanges, Army Exchange Service; Post Exchanges of the Marine Corps, and Ship's Service Activities of the Navy or Coast Guard;

(3) Other activities designated by the Army, Navy, Marine Corps or Coast Guard;

(4) Office of Distribution of War Food Administration;

(5) The Training Organization, and Ships' Service Stores of the Training Organization, of the War Shipping Administration;

(6) The War Shipping Administration with respect to acquisitions of products for use as ships' or canteen stores on any ocean-going vessel of the United States or of any of the United Nations, or on any neutral vessel designated by the War Shipping Administration, which is engaged in the transportation of cargo or passengers in foreign, coastal, or intercoastal trade;

(7) The American National Red Cross, with respect to its acquisitions of products for consumption by members of the armed forces of the United States outside the United States and with respect to its acquisitions of medical supplies for use by allied prisoners of war;

(8) The United Service Organizations, Inc., with respect to its acquisitions of products for consumption by members of the armed forces of the United States outside the United States; and

(9) The United Seamen's Service, Inc., with respect to its acquisitions of products for consumption by merchant seamen outside the United States.

(10) The Veterans' Administration.

SEC. 13.2 *Users who may obtain replacement.* (a) Any industrial user may obtain replacement of sugar used by him in products which are acquired:

(1) On or after April 1, 1944, by the United Service Organizations, Inc., for consumption by members of the armed forces of the United States outside the United States;

(2) On or after June 1, 1944, by the United Seamen's Service, Inc., for consumption by merchant seamen outside the United States; and

(3) On or after July 1, 1943, by any of the other designated agencies, by a Naval vessel or Naval activity of the United Nations, by the Navy, Army and Air Force Institutes (of Great Britain), or for use as ships' or canteen stores on any ocean-going vessel of the United States or of any of the United Nations, or on any neutral vessel designated by the War Shipping Administration, which is engaged in the transportation of cargo or passengers in foreign, coastal, or intercoastal trade, or by the India Supply Mission.

(b) However, if the sugar was not completely used up in manufacturing the products, he may obtain replacement only of that portion of the sugar which was used up.

SEC. 13.3 *Last industrial user makes the application for replacement.* (a) The last industrial user using sugar in the products acquired by the agencies or activities in question, whether or not they have passed through other persons' hands, may apply for replacement. In case of doubt as to who was the last industrial user, the persons claiming to be the last industrial user must select one of them to make the application on behalf of all.

SEC. 13.4 *Applicant must notify other users and obtain certifications from them before he submits application*—(a) *Notice and certifications.* If the last industrial user wishes to apply for replacement, he must first notify any other industrial user who used sugar in the products for which replacement is desired. On receipt of this notification, that industrial user, if he wishes replacement of the sugar used by him in those products, must submit to the last industrial user the amount of sugar in pounds which he used.

(b) *What the certification must contain.* The certification shall contain:

(1) The name and address of the user;

(2) The amount in pounds of sugar used by him in products acquired by the agency or activity in question;

(3) A statement that the replacement or the advance for which the application

is made has not previously been obtained or applied for, or if obtained was insufficient to permit acquisition of the full amount of sugar necessary to make the product or to replace the full amount of sugar used in it;

(4) A statement that the sugar used in the products was not obtained and is not obtainable as a provisional allowance.

(c) *Records.* Each industrial user making such a certification must keep a copy for his records. The last industrial user must keep each certification received by him from any other industrial user.

SEC. 13.5 *Contents of application.* (a) The application for replacement shall be made in writing within 60 days after the agency or activity in question has acquired the products and must be filed by the last industrial user or an authorized agent. The agency may, in its discretion, permit an application to be made more than 60 days after the products were acquired, if the applicant was unable to file the application within the 60 day period for reasons beyond his control. If the agency or activity in question acquires the products at a place outside the 48 States of the United States and the District of Columbia, the application may be made within a longer period specified by that agency. The application shall be made to the designated agency and shall contain:

(1) The name and address of the applicant;

(2) The name and address of each industrial user for whom replacement is sought;

(3) The nature and amount of the products acquired by the agency or activity in question, the date of acquisition, and the name of the person from whom they were acquired;

(4) The amount of sugar, in pounds, used by the applicant in the products;

(5) The amount of sugar, in pounds, used by any other industrial user in the products. This statement shall be based on the certification received by the applicant from the user of sugar;

(6) A statement that the replacement or the advance, for which the application is made, has not previously been obtained or applied for; or if obtained was insufficient to permit acquisition of the full amount of sugar necessary to make the product or replace the full amount of sugar in it;

(7) A statement that any evidences received by the applicant to replace sugar used by another industrial user will be given to that user and will not be used by the applicant;

(8) A statement that the sugar used in the products by the applicant and by any other industrial user was not obtained and is not obtainable as a provisional allowance. The statement as to another industrial user shall be based on the certification received by the applicant from the user of the sugar.

(b) A copy of each application shall be retained by the applicant as part of his records.

(c) All applications for replacement of sugar used in products acquired by a naval vessel or naval activity of the United Nations (other than the United States), or by the Navy, Army and Air Force Institutes (of Great Britain), must be made to the Commandant of the United States Naval District or River Command in which the applicant has his principal office or place of business. Applications for replacement of sugar used in products acquired by the India Supply Mission must be made to Headquarters, Army Exchange Service, New York, New York.

(1) An applicant for replacement of sugar used in products acquired by a naval vessel or naval activity of the United Nations (other than the United States), or by the Navy, Army and Air Force Institutes (of Great Britain), must attach to his application a receipt signed by an authorized officer or agent of the vessel, activity or agency which acquired the products, showing the nature and quantity of the products and the date of their acquisition.

(2) An applicant for replacement of sugar used in products acquired for use as ships' or canteen stores on an ocean-going vessel of the United States or of any of the United Nations, or on a neutral vessel designated by the War Shipping Administration, which is engaged in foreign, coastal or intercoastal trade, must attach to his application a receipt in any form designated by the War Shipping Administration, signed by an authorized officer or agent of the vessel, activity or agency which acquired the products for ships' or canteen stores, showing:

(i) The vessel, activity or agency which acquired the products and the name and address of the person from whom the products were acquired (if the person acquiring the products is an agent operating an ocean-going vessel under contract with the War Shipping Administration the receipt must also show the number of his contract with the War Shipping Administration);

(ii) The amount and kind of products acquired;

(iii) The date of acquisition;

(iv) A statement that the products were acquired for use as ships' or canteen stores.

(3) An applicant for replacement of sugar used in products acquired by the India Supply Mission must attach to his application a receipt signed by an authorized officer of the India Supply Mission showing:

(i) The name and address of the person from whom the products were acquired;

(ii) The amount and kind of products acquired;

(iii) The date of acquisition.

(4) Notwithstanding any other provision of this paragraph, military or naval information which is secret in nature need not be disclosed.

(d) The application may cover products of more than one type unless the designated agency requires that a separate application be submitted for each type of product or group of products.

SEC. 13.6 *Users who may obtain an advance: Who may apply.* (a) An industrial user may obtain in advance the amount of sugar which he must use in manufacturing products to be acquired by a designated agency or an agency or activity specified in section 13.2 (a), if he has a contract or order for those products from:

(1) That agency or activity, or

(2) A person who is not an industrial user and who has a contract with or order from that agency or activity for those products or for products which will include those products. (Such an industrial user is called the last industrial user in sections 13.6 to 13.11, and sections 13.13 to 13.17.) Any other industrial user who has a contract with or an order from the last industrial user for the manufacture of products to be included in those products may also obtain in advance the amount of sugar which he must use in those products.

(b) Application for the advance may be made only by the last industrial user, but he may apply both for himself and for the other industrial users.

SEC. 13.7 *Applicant must notify other users and obtain certifications from them before he submits application*—(a) *Notice and certification.* If the last industrial user wishes to apply for an advance, he must first notify each industrial user with whom he has a contract or to whom he has given an order, who is to use sugar in the products for which the advance is desired. On receipt of this notice, that industrial user, if he wishes an advance of the sugar to be used by him, must certify to the last industrial user the amount in pounds of sugar to be used.

(b) *What the certification must contain.* The certification shall contain:

(1) The name and address of the user;

(2) The amount in pounds of sugar to be used by him in these products manufactured pursuant to a contract with or an order from the last industrial user;

(3) A statement that the replacement or the advance from which the application is made has not been previously obtained or applied for; or if obtained, was insufficient to permit acquisition of the full amount of sugar necessary to make the product or replace the full amount of sugar used in it;

(4) A statement that the sugar to be used by him in these products will not be obtained and is not obtainable as a provisional allowance.

(c) *Records.* Each industrial user making such a certification must keep a copy for his records. The last industrial user must keep each certification received by him from any other industrial user.

SEC. 13.8 *Applicant must also obtain certification from person who has contract with agency or activity in question.* (a) If the last industrial user wishes to apply for an advance on the basis of a contract with or an order from a person described in section 13.1 and 13.2, he must first obtain from that person a certification as to the nature and amount of the last industrial user's products which that person will transfer to the agency or activity in question. The certification must contain:

(1) The name and address of the person;

(2) The name and address of the agency or activity in question with which that person has the contract or order;

(3) An identification of the contract or order;

(4) The nature and amount of the last industrial user's products which that person will transfer to the agency or activity in question pursuant to the contract or order.

(The last industrial user must keep the certification and the person making it must keep a copy for his records.)

SEC. 13.9 *Contents of application.* (a) The application for the advance shall be in writing and shall be signed by the last industrial user or an authorized agent. The application shall be made to the designated agency and shall contain:

(1) The name and address of the applicant;

(2) The name and address of any other industrial user for whom an advance is requested;

(3) The nature and amount of the products which are to be manufactured;

(4) A statement that the applicant has a contract with or an order from the agency or activity in question for these products, and an identification of that contract or order, or a statement that the applicant has a contract with or an order from a person described in section 13.6 (a) (2), and an identification of that person's contract with or an order from the agency or activity in question.

(5) The amount, in pounds, of sugar to be used by the applicant in the products;

(6) The amount, in pounds, of sugar to be used in these products by any other industrial user, with whom the applicant has a contract or to whom he has given an order. This statement shall be based on the certification received from such industrial user;

(7) A statement that any evidences received by the applicant as an advance to another industrial user will be given to that user and will not be used by the applicant;

(8) A statement that the replacement or the advance, for which the application is made, has not previously been obtained or applied for; or if obtained, was insufficient to permit acquisition of the full amount of the sugar necessary to make the product or replace the full amount of sugar used in it;

(9) A statement that the sugar to be used in those products by the applicant and by any other industrial user will not be obtained and is not obtainable as a provisional allowance.

(b) A copy of each application shall be retained by the applicant as part of his records.

(c) All applications for advances of sugar to be used in products to be acquired by a naval vessel or naval activity of the United Nations (other than the United States), or by the Navy, Army and Air Force Institutes (of Great Britain), must be made to the Commandant of the United States Naval District or River Command in which the applicant has his principal office or place of business. The applicant must attach to his application a copy of his contract with or order from the vessel, activity or agency which is to acquire the products for which the advance is sought, or a copy of the certification received from the person described in section 13.6 (a) (2), who has that contract or order. However, military or naval information which is secret in nature need not be disclosed.

(d) The application may cover products of more than one type unless the designated agency requires that a separate application be submitted for each type of product or group of products.

SEC. 13.10 *Procedure to be followed if there is a difference between amount advanced and amount used.* (a) If any of the evidences advanced to an industrial user are not used by him to manufacture products for delivery to the designated agency in accordance with the contract, he must return, or otherwise account for, the evidences advanced to the agency which made the advance. If he used the evidences to obtain sugar which were used in manufacturing products transferred to a person described in section 13.6 (a) (2), and that person does not transfer to the agency or activity in question all the products for which the advance was obtained, the industrial user must account for the balance to the agency which made the advance.

(b) If the industrial user uses a greater quantity of sugar in the products acquired by the agency or activity in question than the amount it was contemplated he would use at the time he received an advance of evidences, he may apply for replacement of the balance under sections 13.2 to 13.5 of this article.

(c) Except as provided in paragraph (b) of this section, any advance obtained by an industrial user under this article shall be in lieu of any right of replacement which he may have under any other provision of this order.

SEC. 13.11 *Termination of contracts.* (a) If the contract or order for which the advance was obtained is cancelled or terminated on or after September 17, 1945, the industrial user must return to the agency which made the advance evidences in an amount equal to that advanced for use in making those products which are not transferred to the agency under the contract or order.

(b) If an industrial user does not return to the agency evidences in the amount required, the Office of Price Administration, upon notification by the agency, will charge him with excess inventory in an amount equal to that he fails to return.

SEC. 13.12 *Issuance of checks.* (a) If the agency grants the application for replacement or advance of sugar used or to be used in products acquired by such agency, it shall issue a check or checks payable to each industrial user for whom application is made for the amount of sugar used or to be used by such industrial user in such products. Before issuing such checks or check to that industrial user, the designated agency must type or stamp in ink on the back of each such check the following notation: "Not valid for deposit except by a primary distributor. Transfer by endorsement only." An industrial user who is entitled to a check under this article may request the designated agency to issue to him more than one check covering the amount of sugar used or to be used by him. However, before issuing any check the designated agency must determine:

(1) That the products were acquired in the amounts and on the dates stated, or that the applicant has a contract with or order from the agency or activity in question or a person described in sections 13.1 and 13.2 for the manufacture of the products specified in the application; and

(2) That sugar in the amount stated, was used in such products, or that sugar, in the amount stated, will be used in such products pursuant to a contract with or an order from the agency or activity in question or the applicant or a person described in sections 13.1 and 13.2; and

(3) That the other statements made in the application are true; and

(4) That the sugar used in the products was not obtained and is not obtainable as a provisional allowance, or that the sugar to be used in the products will not be obtained and is not obtainable as a provisional allowance.

(b) Notwithstanding the provisions of this order, no industrial user, who receives a check for sugar under the provisions of section 13.12 (a) and no person, other than a primary distributor, who delivers sugar in exchange for such check, may deposit such check, even if such person has or is required to have a ration bank account. Instead, he must endorse and transfer such check for any purpose for which checks or evidences may be transferred under this order.

(c) A designated agency having a limited ration bank account may not, in any period, issue checks under this order, in excess of the amount that it has been authorized to draw against that account for the purpose of advance or replacement for that period. The agencies or activities listed in section 13.1 (a) (2), (3) and (10) will receive evidences for the purposes of this order, under arrangements made between those agencies or activities and the Washington Office.

(d) No check shall be issued under this order for a fraction of a pound. If the fraction is less than one-half, the fraction is to be dropped; if the fraction is one-half or more, the check shall be issued for a full pound.

(e) The following agencies may open one or more ration bank accounts for the purpose of this article: The American National Red Cross; The United Service Organizations, Inc.; The United Seamen's Service, Inc.; The Veterans' Administration.

SEC. 13.13 *Allotment increased.* (a) The allotment of any industrial user for the allotment period in which checks are issued to him under this article for his own use shall be deemed to be increased by the amount of the checks. An industrial user who receives an advance under this article may use it for the purpose for which he obtained it, whether or not other provisions of this order do not permit him to use his allotment for that purpose.

SEC. 13.14 *Representation to the Office of Price Administration.* (a) Any representation made in an application or certification under this order is a representation made to the Office of Price Administration and to the designated agency.

(b) The last industrial user may not make an application based on a certification from any other industrial user if he knows or has reason to believe that the statements contained in the certification are not true.

SEC. 13.15 *This Article does not cover sugar obtained, or which may be obtained, as a provisional allowance.* (a) The provisions of this Article do not apply to sugar which an industrial user obtains (or, which, under the provisions of this order, he may obtain) as a provisional allowance.

SEC. 13.16 *Registration not required in certain cases.* (a) A person who has a contract with or an order from a designated agency, an agency or activity specified in section 13.2 (a) or with a person described in section 13.6, for the manufacture of products containing sugar to be acquired by the agency or activity in question, and who makes no other industrial use of sugar, is not required to register as an industrial user under this order to obtain an advance of or use of sugar under this order.

SEC. 13.17 *This article governs whenever inconsistent with other provisions of this order.* (a) If any provision of this article is inconsistent with other provisions of this order, the provisions of this article shall govern, and shall supersede other provisions of this order to the extent that they are inconsistent.

ARTICLE XIV—EXEMPT AGENCIES AND CERTAIN OTHER AGENCIES

SEC. 14.1 *Ships' and planes' stores.* (a) Sugar may be acquired for use as ships' and planes' stores under the provisions of Revised General Ration Order 5.

(b) An operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or military Officer) under the provisions of Revised General Ration Order 5 may acquire sugar up to the amount authorized thereon without the surrender of ration evidences. A registering unit or primary distributor may, in exchange for the statement, deliver sugar to such operator up to the amount specified on the statement without receiving ration evidences therefor.

(c) A registering unit may exchange such statement for a check at its District Office. It must attach to the statement a signed receipt, invoice, bill of lading, or such other evidence as substantiates the delivery of the sugar. If the District Office is satisfied that the sugar was delivered for ships' or planes' stores it shall issue a check to the registering unit equal in weight value to the amount so delivered. However, if the sugar was delivered to a ship operating under the control, direction, or designation of the War Shipping Administration, the registering unit may not exchange such statement for a check at the board; but may instead, exchange such statement for a check at an appropriate office of the War Shipping Administration.

(d) An airplane operator who has been allowed an operating inventory under Revised General Ration Order 5 may exchange a statement issued by a Collector of Customs (or military Officer) under the provisions of Revised General Ration Order 5 for a check at a District Office having jurisdiction over any area where the operator maintains an office.

SEC. 14.2 *Ration banking by exempt agencies.* (a) The Army, Navy, Marine Corps, and Coast Guard of the United States and the Food Distribution Administration, Maritime Commission, and War Shipping Administration are known as exempt agencies for the purpose of this order and are authorized to open one or more exempt accounts under the provisions of this section. In addition, the Army Exchange Service, to the extent it acquires sugar for export to a foreign country or a territory or possession of the United States other than the District of Columbia, and Ships' Service Departments Afloat, are exempt agencies under this order and are authorized to open one or more exempt accounts under the provisions of this section.

(b) Only exempt agencies and their establishments may draw and issue checks upon an exempt account, and they may do so only for the purposes permitted. No person shall draw or issue a check upon an exempt account unless authorized by the exempt agency or the establishment maintaining that account.

(c) Exempt agencies and their establishments may open exempt accounts at any convenient bank by filing with the bank a list of authorized signatures and by satisfying the bank as to the identity of the agency and establishment.

(d) Exempt accounts operate in most respects in the same way as ordinary ration bank accounts. They differ from such ordinary ration bank accounts as follows:

(1) To the extent that there is no limit placed upon the quantity of sugar which may be acquired by an exempt agency, there is no limit on the amount of the ration checks which may be drawn by that agency for that commodity. To that extent, exempt agencies have unlimited drawing privileges, and no balance is required between debits and credits.

(2) Certain exempt agencies need separate accounts for their debits and credits, and upon request by such an agency, the Office of Price Administration will grant permission to maintain such separate accounts.

(3) In addition to ration checks, which will be the same as those used in ordinary ration bank accounts, special ration checks may be issued by exempt agencies for use in unusual circumstances, in such form as authorized by agreement between the respective exempt agencies and the Office of Price Administration. These checks will be drawn against separate accounts and may be signed by any person authorized by the issuing agency to sign checks against such accounts, and the authorized signature of such special ration checks need not be registered with the bank on which they are drawn.

(4) Other special provisions governing exempt accounts may be made by agreement between the exempt agency and the Office of Price Administration.

(e) *Evidences must be deposited.* All ration checks and other evidences received by an exempt agency or any establishment of an exempt agency for which an exempt account is maintained shall be deposited by it in that account.

(f) *Certain activities may not use exempt accounts.* An exempt agency may forbid any one or more of its activities, such as a post exchange or a ships' service department ashore, from opening or using an exempt account. Any activity forbidden by an exempt agency from doing so may not open or use an exempt account; however, any such activity may open and use an account, other than an exempt account, if permitted to do so by section 4.5 of this order. Any account opened by any such activity shall include the exact designation of such activity in the title of its account.

SEC. 14.3 *Ration banking by certain airplane operators.* An airplane operator who has been allowed an operating inventory under Revised General Ration Order 5 may open an account for each of his offices at which he regularly purchases sugar for use as planes' stores.

SEC. 14.4 *Issuance and use of checks by Extension Service of Department of Agriculture.* (a) The Extension Service of the Department of Agriculture may open a ration bank account of the type provided in section 14.2 and may, without getting sugar, issue checks to the State Director of the agricultural Extension Service of each State to provide sugar for its educational purposes.

(b) The total weight value of checks which may be issued by the Extension Service of the Department of Agriculture under paragraph (a) of this section in any period specified by the Office of Price Administration may not exceed the amount authorized by it for the purposes of this section for such period.

(c) The State Director of the agricultural Extension Service of each State may open an account of the type provided in section 14.2 and may, without getting sugar, issue checks to any person to acquire sugar for educational purposes of the Extension Service of the Department of Agriculture.

(d) Any person to whom a check is issued under paragraph (c) of this section may give up such check to the District Office and receive in exchange checks, in such denominations as he may request, the total weight value of which shall not exceed the weight value of the check given up.

(e) Sugar acquired with a check issued under paragraph (c) of this section or a check issued under paragraph (d) of this section may be used only for the educational purposes of the Extension Service of the Department of Agriculture, but may not be used for educational purposes involving canning or preserving.

SEC. 14.5 *Deliveries of sugar to exempt agencies.* (a) Sugar may be delivered to and accepted by exempt agencies only in exchange for a check of weight value equal to the amount of sugar delivered except that sugar may be delivered by one exempt agency to another exempt agency without the exchange of checks.

(b) Each exempt agency, each agency listed in section 14.8 (a), and the Veterans' Administration, shall issue a check in the proper amount to the person making delivery by the time of delivery or as soon as practicable thereafter. Before issuing such check the agency shall type, or stamp in ink, on the back of each such check the following notation: "Not valid for deposit except by a primary distributor. Transfer by endorsement only."

(c) If, for any reason, a check cannot be issued when sugar is delivered to an exempt agency, an emergency acknowledgment shall be given to the person making the delivery at the time of delivery instead of a check. This acknowledgment may be in any form but shall set forth the name of the agency, the name and address of the activity within the agency to which the sugar is to be delivered, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a check, the weight value of the check to be issued for the delivery, and date of delivery. The acknowledgment must be signed by an authorized officer or employee of the agency, and must state his official title or rank. A person to whom such an acknowledgment is given may not change it at a District Office or use it to acquire sugar but shall send it to the agency activity designated thereon, and the agency shall issue to him a check equal in weight value to the sugar delivered in exchange for the acknowledgment.

SEC. 14.6 *Deliveries of sugar to certain persons and agencies.* (a) A registering unit which, at any time after registration, delivers sugar to the Panama Canal, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, and Office of Scientific Research and Development may deliver such sugar without getting evidences therefor. If evidences were not received, the registering unit may apply to the District Office for a check covering the amount of sugar delivered. The application shall be made in writing and shall be accompanied by receipts, bills of lading, and such other detailed evidence including affidavits as substantiates such deliveries. In a proper case the District Office shall grant the application.

(b) Allotments of sugar for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of Revised General Ration Order 5.

(c) The acquisition of sugar for export and the replacement of sugar exported is covered by Article XII.

SEC. 14.7 *Government agencies may, without getting evidences, deliver sugar to the Procurement Division of the Treasury Department.* (a) No evidences need be given up for a delivery of sugar by an agency of the United States Government to the Procurement Division of the Treasury Department when such sugar is acquired by the Procurement Division for sale or delivery.

(b) The Procurement Division of the Treasury Department may dispose of such sugar only by a sale or delivery in the same way that a retailer is permitted by this order to sell or deliver sugar. (However, for that purpose, the Procurement Division need not register as a retailer.) Not later than the twentieth day following the month in which any delivery is made, the Procurement Division shall account to the "Washington Office" of the Office of Price Administration for evidences covering the amount of such sugar sold or delivered.

SEC. 14.8 *Deliveries of sugar to Army Exchanges, Post Exchanges, Ships' Service Departments Ashore and similar agencies.* (a) Sugar may be delivered to and accepted by Army Exchanges, Post Exchanges of the Marine Corps, Ships' Service Departments Ashore of the Navy and Coast Guard, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for checks equal in weight value to the sugar delivered. Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and similar designated activities are authorized to open accounts, but may not open exempt accounts of the type described in section 14.2. Evidences to be deposited by Army Exchanges, Post Exchanges of the Marine Corps, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Program of the War Shipping Administration, and similar designated activities to establish ration credits shall be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Marine Corps, the Coast Guard, and the Training Organization of the War Shipping Administration. (The issuance of checks to establish ration credits for Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration and similar designated activities for the delivery of sugar for institutional use is governed by Revised General Ration Order 5.)

(b) Ration credits may be transferred by check without the delivery of sugar between accounts maintained for Army Exchanges, between accounts maintained for Post Exchanges of the Marine Corps, between accounts maintained for Ships' Service Departments Ashore of the Navy, between accounts maintained for Ships' Service Departments Ashore of the Coast Guard, and between accounts maintained for commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration.

SEC. 14.9 *Deliveries of sugar by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore.* (a) Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, Sales Commissaries, Commissary Stores, and any other activity of the Army, Navy, Marine Corps or Coast Guard and the Food Distribution Administration may deliver sugar only upon the receipt of evidences in the same way that retailers or wholesalers are permitted to make deliveries of sugar under this order. However, they are not required to register as retailers or wholesalers.

(b) All evidences so received by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, Sales Commissaries, Commissary Stores or any other activity of the Army, Navy, Marine Corps or Coast Guard or by the Food Distribution Administration, shall be deposited in the accounts maintained for such agencies.

SEC. 14.10 *Investigatory agencies.* Any investigatory or enforcement agency of the United States or of a State or local government which requires deliveries of sugar for the performance of its functions may receive evidences from the District Office for the place where the agency's principal business office is located. Sugar acquired by such an agency with such evidences or with books shall be delivered by such agency to any Federal, State, or local institution, which shall acknowledge receipt of the sugar and the amount thereof to the District Office which issued the evidences or books.

ARTICLE XV—RATION BANKING

SEC. 15.1 *How accounts are authorized.* Revised General Ration Order 5 and this order require certain persons and permit others to have ration bank accounts. Only these persons may become depositors and they may open only the accounts specifically authorized by or under Revised General Ration Order 5 and this order.

SEC. 15.2. *Separate depositor as to each account.* Each person who opens more than one account is deemed to be a separate depositor as to each of his accounts. (Thus, if one person has two establishments and opens a separate sugar account for each, he is a sugar depositor as to each account.)

SEC. 15.3 *How many accounts permitted.* Not more than one account for any one establishment may be opened for sugar unless authorized by the Office of Price Administration.

SEC. 15.4 *Accounts opened where dollar accounts carried.* Every account opened for any establishment must be opened at a bank carrying a dollar checking account for that establishment, unless otherwise authorized by the Office of Price Administration. If there is no such dollar account, or if, in the case of a ration account the carrying of which is optional with the bank, the bank having the dollar account has elected not to carry such ration accounts, the account may be opened at any bank.

SEC. 15.5 *Signature cards and other papers required.* A person shall open his

first account by signing and delivering to the bank completed signature cards supplied by the bank. He may open any additional account in the same bank by furnishing such additional signature cards as the bank may request. He may change the authorized signatures for an existing account by signed notice to the bank, and by furnishing such signature cards as the bank may request. He shall also, in all cases, furnish such references, proofs of identity and documents showing his authority to execute the signature cards as the bank may request.

SEC. 15.6 *Deposits*—(a) *What to be deposited.* A depositor shall deposit all evidences which are in his possession when he opens his account, or are thereafter accepted by him, in the account carried for the establishment by or for which the evidences were received, and may not transfer them to any person for any purpose, unless otherwise provided by the Office of Price Administration. However, he shall not deposit in his account any evidence which has not yet become valid or which no longer is valid for deposit.

(b) *How deposits are made.* All ration evidences presented for deposit must be in the form prescribed by Revised General Ration Order 5 or this order and accompanied by a deposit slip filled out in duplicate, in the form prescribed by the Office of Price Administration, indicating each item deposited by type and amount, and in the case of a check, by transit number, unless permission to omit the transit number is granted by the Office of Price Administration. All evidences must be endorsed by the depositor before being deposited.

(c) *Errors must be corrected.* If a depositor receives from his bank a notice of an error in a deposit slip, he must correct his duplicate copy. He must notify the bank of any objection to the notice within ten (10) days after receipt of such notice.

(d) *Person who fails to open a required account shall not transfer evidences.* A person who is required to open an account but does not do so may not transfer ration evidences to any person for any purpose.

SEC. 15.7 *Issuance and use of checks*—(a) *When check to be issued.* A check may be issued only by a depositor and only for a purpose permitted and with the effect prescribed by Revised General Ration Order 5 or this order authorizing the account on which the check is drawn, except as otherwise provided in section 15.8 (d) of this order.

(b) *How checks are issued.* Each check and its stub must be completely filled out before the check may be issued, but a check register, duplicate voucher or any similar record may be used in place of the check stub. Both check and stub or other record must contain the name of the person to whom the check is to be issued, the date on which it is drawn and the amount of credits to be transferred. The check must bear the name of the account and the depositor's authorized signature or signatures.

(c) *Post-dated checks prohibited.* No person may issue or transfer a check before the date it bears.

(d) *Overdrafts prohibited.* No check may be issued for an amount larger than the balance in the account on which it is drawn less the amount of outstanding checks drawn on that account.

(e) *What checks to be certified.* Only checks which are surrendered to the Office of Price Administration by primary distributors when they file their periodic reports are to be certified or confirmed.

(f) *Altered or mutilated checks.* (1) No check which has been altered, (except as authorized in subparagraph (2) of this paragraph), mutilated or partially destroyed, or which contains an erasure, may be issued, transferred or deposited. A person who holds such a check shall return it to the issuer with a request for a new check. If he is unable to locate the issuer, or to obtain a new check from him, he shall deliver the check to the District Office, with a statement of all the circumstances.

(2) Checks and their stubs may be altered only by banks before delivering them to depositors and by issuers before or at the time of issuing them, and only to the extent of changing the name of the commodity (for example, from processed foods to sugar) and where necessary, the unit designation (for example, from points to pounds); and checks so altered may be issued, transferred and deposited.

(g) *Lost checks.* A person who loses or unintentionally destroys a check issued or transferred to him, or from whom such a check is stolen, shall notify the issuer in writing of the circumstances of the loss or destruction and request that a new check be issued to him. If he is unable to locate the issuer, or to obtain a new check from him, he shall send the district office a statement signed by him of all the circumstances.

(h) *How altered and lost checks replaced.* A depositor to whom an altered (except as authorized in subparagraph (2) of paragraph (f) of this section), mutilated or partially destroyed check issued by him is returned or who receives a request for the replacement of a lost, destroyed, or stolen check issued by him, may issue a new check. If he does so, he must enter on the stub or other record used in place of the stub of the original check the fact that it has been lost, stolen, altered, mutilated, partially or completely destroyed, and on the stub or other record of the new check the fact that it replaces the original check. Every depositor shall immediately send his bank a written description of any checks drawn on his account and lost or stolen before deposit, and a description of any checks issued to replace them.

(i) *Non-depositors may transfer checks.* A person who is not a depositor and is not required to be one, to whom a check is properly issued or transferred, may transfer it to any person for any purpose for which other evidences may be transferred under Revised General Ration Order 5 or this order authorizing the account on which the check is drawn. He must endorse the check before transferring it.

SEC. 15.8 *Closing and transferring accounts*—(a) *When ration order requires closing of accounts.* Whenever Revised General Ration Order 5 or this order shall require all depositors in a specified class or group to close their accounts, each depositor in that class or group shall promptly inform his bank in writing of the facts which bring him within it. The depositor shall reduce the balance in his account to zero within the time fixed in the ration order for the closing of such accounts. (The bank will close the account as soon as it has been reduced to zero.)

(b) *Voluntarily closing an account.* A depositor shall inform the District Office in writing whenever he closes or transfers an establishment for which an account is carried, ceases to deal in sugar for which an account is carried, transfers his account from one bank to another, or changes the name in which his account is carried.

(c) *When bank withdraws from ration banking.* Whenever a depositor receives notice from a bank in which he has an account that the bank is withdrawing from ration banking, he shall, within ten (10) days after receipt of such notice, reduce the balance in his account to zero. A depositor who is required to carry a ration bank account, or who is permitted to and desires to do so, shall draw a check payable to himself for the balance in his account less outstanding checks. He shall use such check as his initial deposit in opening a new account. If he is not required to carry an account and does not desire to do so, he shall draw a check payable to the Office of Price Administration for the balance in his account less outstanding checks, and deliver it to the District Office and receive in exchange appropriate evidences representing the balance in his account. If a depositor has not reduced the balance in his account to zero within the ten (10) day period, he may write a letter to the District Office, stating the reasons for his failure to do so, and if the District Office finds that there was good reason for his failure, it may issue appropriate evidences representing the balance in his account. After the expiration of the ten (10) day period, he shall not draw any check against the account.

(d) *How accounts transferred.* A depositor desiring to discontinue his account in one bank and transfer it to another may draw a check payable to himself for the balance in his account less outstanding checks, and use such check as the initial deposit in opening his new account, subject to the provisions of section 15.4, and paragraph (b) of this section.

SEC. 15.9 *Rights and duties of depositors*—(a) *Bank statements.* Each depositor is entitled to receive from his bank at least quarterly a statement of his account and all cancelled checks which were charged against his account during the period covered by the statement, except certified checks and those statements and checks which the bank is required to forward to the Office of Price Administration. He must bring any objection to a statement to the attention of the bank within ten (10) days after the statement has been received.

(b) *Bank records.* A depositor may examine the bank records of his account during the regular business hours of the bank.

(c) *Disputes over balances.* A depositor who has brought to the attention of his bank within the time specified an objection to the bank's record of his balance or his account may, within twenty (20) days after making the objection, write a letter stating the facts to the District Office. The District Director shall then decide the dispute. Any appeal from the decision of the District Director may be made in the manner provided by section 23.1 of this order. If the objection of the depositor is not sustained, the bank's records shall be final.

(d) *Depositor must preserve records.* A depositor must keep for at least as long as this order remains effective all copies of deposit slips, notices of errors in deposit slips, statements of accounts received by him, cancelled checks returned to him, and all stubs from which checks have been detached or other record used in place of stubs. All records shall be subject to inspection, removal or other disposition only by the Department of Justice, the Office of Price Administration, or any other persons authorized by the Office of Price Administration.

SEC. 15.10 *General provisions*—(a) *When evidences may not be accepted.* No person may accept any evidence which he knows or has reason to believe is being issued or transferred in violation of this order.

(b) *Accounts under control of Office of Price Administration.* The Office of Price Administration may require the opening, closing, debiting, crediting or other disposition of any account, whether or not the depositor has requested such action.

(c) *Accounts not subject to legal process.* An account shall not be subject to attachment, garnishment, levy, execution, injunction or similar legal process, except on written authorization from the Office of Price Administration.

ARTICLE XVI—NEW BUSINESS

SEC. 16.1 *New or unregistered retailer or wholesaler establishment desiring sugar.* (a) Any person desiring to get sugar for an unregistered wholesale or retail establishment may petition the District Office for the place at which the principal business office of the establishment is or will be located for registration and assignment to such establishment of an allowable inventory.

(b) The application must be made on OPA Form R–362 and shall give all the information required by that Form. The District Office may register the establishment and grant a temporary allowable inventory. The retailer or wholesaler must report on OPA Form R–362–A within 10 days after the first two full months of operation, giving all the information required by the Form covering such operation. Upon receipt of the two-months operation report the District Office may assign a permanent allowable inventory to such establishment.

SEC. 16.2 *New establishments or ineligible industrial user establishments desiring sugar.* (a) Any person desiring to get sugar for an industrial user establishment, not eligible for registration under any other provision of this Order, may petition for registration and assignment to him of a base, allotment, or provisional allowance, as the case may be. The petition shall be filed as follows:

(1) With the District Office authorized to keep the files of industrial users for the place where the petitioner's industrial user establishment is, or will be, located, if:

(i) He does not have a registered establishment and the petition covers only one establishment;

(ii) The petitioner has more than one establishment which are registered separately; or

(iii) The petitioner has one establishment already registered and he wishes to register the ineligible establishment separately.

(If the petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.)

(2) With the District Office authorized to keep the files of industrial users for the place where the petitioner's principal office is, or will be, located, if:

(i) The petition covers more than one establishment and the petitioner desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the ineligible establishment with it.

(b) The petition must be made in writing. Where the petitioner wishes to use sugar for experimental, educational, or testing purposes, the District Office may permit the applicant to register (on OPA Form R–1200) and grant him an allotment if it finds in the public interest to do so. In all other cases, the District Office shall send the file to the Washington Office for decision or take such other action as the Washington Office may authorize or direct.

(c) Establishments referred to in this section include those which commenced operations using sugar after April 20, 1942.

ARTICLE XVII—PETITIONS FOR ADJUSTMENT

SEC. 17.1 *Applications may be made for adjustment*—(a) *How to apply.* Any registering unit or industrial user which needs an adjustment in its inventory or allotments (or other relief) may apply in writing to the District Office with which it is registered. The applicant must state in his application all facts which he claims show his need for the adjustment and the nature and amount of the adjustment he requests. The District Office shall send the file to the "Washington Office" for decision or take such other action as the "Washington Office" may authorize or direct. (In certain cases the Washington Office may authorize the District Office to act on applications under this section.)

(b) *Application by industrial users for adjustments in base-period use or allotments will not be granted if filed after December 14, 1944.* The Office of Price Administration has granted and will grant, in a proper case, adjustments in the base-period use or allotments of an industrial user where it is shown that:

(1) Fire, flood, strike, or other similar catastrophes affecting his operations during the base-period use to be less than it otherwise would have been; or

(2) He invested in productive equipment or facilities before April 20, 1942, which he did not begin using until after the beginning of his base period with the result that the additional sugar using capacity so obtained was not adequately reflected in his base-period use.

However, no application by an industrial user for an adjustment in his base-period use or allotments based on any of these reasons or any other condition, occurrence or fact existing before April 20, 1942, will be granted unless the application, in writing, was filed before December 15, 1944.

SEC. 17.2 *Adjustments for lost, destroyed, stolen, or damaged sugar.* (a) A registering unit or an industrial or institutional user who, under section (a) delivers damaged sugar and undamaged sugar mingled therewith, or whose sugar is destroyed, lost, stolen or taken away by legal process or order of a court may obtain evidences covering the original weight of such sugar. A registering unit or an industrial user or institutional user who, under section 8.3 (a), delivers sugar in a package, bag, or other container damaged while in transit by common carrier may obtain evidences covering the amount of sugar in such package, bag, or other container before it was damaged. A registering unit or an industrial or institutional user whose sugar, although in a package, bag, or other container damaged while in transit by common carrier, was not delivered under section 8.3 (a) or was in a package, bag, or other container damaged in any other way may get evidences covering the amount of sugar lost from the package, bag, or other container because of such damage.

(b) Application must be made in writing to the District Office for the place where the applicant is registered and must state facts showing that he meets the requirements in paragraph (a).

SEC. 17.3 *Certain persons who used sugar-containing products may apply for a base or an adjustment in base.* (a) A person who used a sugar-containing product in the production (or manufacture) of other products, other than those he used in the preparation of food which he serves to his customers, or in the service of food to consumers; may apply for a sugar base, or an adjustment in his base period use, when it is shown that:

(1) Fire, flood, strike or similar catastrophe or other circumstance affected his operation during the period from January 1, 1941 to January 1, 1942, and caused his use of such sugar-containing product during that year to be less than it would otherwise have been; or

(2) He invested, before April 20, 1942, in productive equipment (or facilities) for the use of sugar-containing products which had not been installed in his plant

available for use until after January 1, 1941 with the result that he used less sugar-containing products during 1941 than he otherwise would have used.

(b) Application shall be made before March 1, 1946, on OPA Form R–365 and give all the information required by that form. The application must be filed:

(1) At the District Office for the place where the industrial user establishment is registered if the petition is for an adjustment in base of a registered industrial user establishment.

(2) With the District Office authorized to keep the files of industrial users for the place where the petitioner's establishment is located, if:

(i) He does not have a registered establishment and the petition covers only one establishment;

(ii) The petitioner has one establishment already registered and he wishes to register the ineligible establishment separately. (If the petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.)

(3) With the District Office authorized to keep the files of industrial users for the place where the petitioner's principal office is located if:

(i) The petition covers more than one establishment and the petitioner desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the ineligible establishment with it.

(c) A transferee of the person who had the establishment in the period from January 1, 1941 to January 1, 1942 (or January 15, 1941 to April 20, 1942 as the case may be) may not apply under this section unless:

(1) He obtained the establishment by inheritance or will, or

(2) The change in ownership is only as to the form of the business organization but the same parties both in interest and in number have the establishment at the time of application.

(d) A person is not eligible to apply for an adjustment for a product under this section if he:

(1) Used jams, jellies, preserves, marmalades or fruit butters in making that product, or who made jams, jellies, preserves, marmalades or fruit butters; or

(2) Used a sugar-containing product in making a product for which a provisional allowance may be obtained or who makes a sugar-containing product for which a provisional allowance may be obtained.

(e) A District Office may not act on an application filed under this section but must send the application, together with all other information received, including the entire file, to the Regional Office for decision.

SEC. 17.4 *Wholesalers and retailers may apply for evidences to restore depleted inventories.* (a) A registering unit whose inventory of sugar and evidences has been reduced to less than his permanent allowable inventory, and who finds it would be a hardship to operate with the sugar and evidences he has, may apply before February 16, 1946 for an adjustment. Only one application under this section may be made by any wholesaler or retailer.

(b) The application must be made in writing and shall be made to the District Office. The application must state:

(1) That an adjustment is necessary because it will be a hardship for it to operate with the sugar and evidences he has; and

(2) That it has not previously obtained an adjustment under this section. In addition, it must file a report of its December 31, 1945 inventory of sugar on OPA Form R–346 or R–346 (Revised). A registering unit which has filed a report of its December 31, 1945 inventory R–346 or R–346 (Revised) pursuant to section 4.9 of this order need not file another report. Registering units not required to file reports pursuant to section 4.9 of this order may, if they wish, give their inventory of sugar on OPA Form R–346 or R–346 (Revised) as of January 31, 1946, instead of December 31, 1945.

(c) If the District Office finds that the facts stated in the application are true and that the applicant needs an adjustment, it shall issue to the wholesaler or retailer a check. The amount of the check shall be determined in the following way:

(1) If the net inventory of the applicant is 50 percent or more of his permanent allowable inventory, the amount of the check shall be the amount by which his permanent allowable inventory exceeds his net inventory, as shown by Item 11 on OPA Forms R–346 or R–346 (Revised).

(2) If the net inventory of the applicant is less than 50 percent of his permanent allowable inventory, the amount of the check shall be the amount by which 75 percent of his permanent allowable inventory exceeds his net inventory.

(For example, a retailer having a permanent allowable inventory of 10,000 pounds whose present net inventory is 6,000 pounds shall be issued a check for 4,000 pounds. A retailer whose permanent allowable inventory is 10,000 pounds and whose present net inventory is only 4,000 pounds, however, shall be given a check for 3,500 pounds, that is, the difference between 7,500 pounds, which is 75 percent of his permanent allowable inventory and the 4,000 pounds, his net inventory.

(d) Nothing in this section shall be considered to forgive or excuse any violations by the applicant of this or any other order of the Office of Price Administration, or to affect any action which may be taken by the Office of Price Administration with respect to such violations.

SEC. 17.5 *Certain industrial users who produced jams, jellies, preserves, marmalades, or fruit butters, may apply for an adjustment in base.* (a) Industrial users who produced jams, jellies, preserves, marmalades or fruit butters may apply, in writing, to the District Office before February 1, 1946 for a new or adjusted base for such use. The application must state the amount of sugar used by him in 1944, separately stated by quarters, in the production of jams, jellies, preserves, marmalades or fruit butters for delivery to the persons or agencies listed in sections 13.1 and 13.2 of this order.

(b) District Offices shall amend the applicant's registration on OPA Form B–1200 by substituting either his use of sugar to produce jams, jellies, preserves, marmalades and fruit butters in 1941 or, if it is larger, the total of:

(1) The amount of sugar used in 1944 for the production of jams, jellies, preserves, marmalades or fruit butters for delivery to persons other than those listed in sections 13.1 and 13.2 of this order, and

(2) 50% of the amount of sugar used by him in 1944 for the production of jams, jellies, preserves, marmalades and fruit butters for those persons or agencies listed in sections 13.1 and 13.2 of this order.

(c) District Offices shall approve applications under this section only in cases where OPA Form R–310 is in the files and where all provisional allowance reports covering 1944 have been submitted. In all other cases applications must be forwarded through the Regional Office to the Washington Office for decision.

(d) A person who makes a timely application for an adjustment of base under this section may obtain a supplemental allotment for the first quarter of 1946 equal to the full amount of increase in allotment, if any, he would be entitled to in his adjusted first quarter base, and the application for adjustment should be considered as application for such supplemental allotment.

ARTICLE XVIII—MOVING, TRANSFER, AND CLOSING OF ESTABLISHMENTS

SEC. 18.1 *Moving establishment to another place.* (a) A person may move his "retailer" or "wholesaler" establishment to another place after notifying, in writing, the District Office of his new address. A primary distributor may move his "primary distributor" establishment to another place after notifying, in writing, the Washington Office of the Office of Price Administration of his new address.

(b) (1) If an industrial user has several establishments which are registered separately, and he wishes to move all or part of the business of one or more of them to another place, the moving is to be treated as a transfer to a different person under section 18.3 of this order. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee. The same rule applies if he has one establishment and wishes to move all or part of its business to another place which is to be registered separately.

(2) If an industrial user has several establishments which are registered together, and he wishes to move all or part of the business of one or more of them to a new place, he must apply for permission to do so. The application must be made in writing to the District Office with which he is registered and must state:

(i) The new address at which the applicant wishes to operate;

(ii) Whether all or part of the business will be moved, and, if only part is to be moved, he must describe the part which will be moved;

(iii) The amount of the sugar inventory, if any, which will be moved to the new place;

(iv) The class of products made by, and the class of customers and area served by the business (or part of the business) which will be moved; and

(v) Whether he will continue to serve, from the new place, the same general class of customers and the same area served by him from his old place.

If the District Office finds that the establishment will continue to be operated at the new place in substantially the same manner as at the old place, and that the applicant will continue to serve from the new place the same general class of customers in the same area as he served from the old place, it shall grant the application. (If the District Office finds that the new establishment will not be operated in such manner as to satisfy the tests described in this subparagraph, it shall deny the application.)

(3) An industrial user who has several establishments which are registered together may use his allotments or inventory at any of them interchangeably and need not apply for permission to do so.

(c) An industrial user who moves all or part of the business of an establishment to a new place and is granted permission to continue his operations at that place, may not use his allotment there if his operation of the establishment ceases to meet the tests prescribed for moving that establishment. In that case, his establishment at the new place shall be considered closed and subject to the provisions of section 18.5.

SEC. 18.2 *Sale or transfer of retailer or wholesaler establishments*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retailer" or "wholesaler" establishment for continued operation, they must both notify the District Office at which the establishment is registered. The notice must be given, in writing, within five days after the sale or the transfer and must state:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The sugar inventory transferred; and

(iii) The amount of ration credits in the establishment's account, if any (deducting the amount of any outstanding checks) and the amount of evidences on hand. This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has an account, he must notify the District Office in the way required by section 15.8 (b) of this order.

(b) *Purchaser of "retailer" or "wholesaler" establishment may get its ration evidences.* The purchaser or transferee of a "retailer" or "wholesaler" establishment may get and use all the ration evidences of the establishment in the same way as the seller or transferor was entitled to use them. If the establishment has an account, the transferor must transfer all the credits in the account to the transferee by issuing a ration check. (The check shall not include the amount of outstanding checks drawn on such account.) If the establishment does not have an account, the transferor is to give to the transferee the stamps and coupons he has and endorse and give to the transferee any ration checks he has. (If the transferee is required to have an account, he must deposit all ration evidences in that account. If the transferee is not required to have an account, he may endorse the checks and use them to get sugar.)

(c) *Same rules apply to the sale of a registering unit composed of more than one establishment.* The rules set forth above also apply to the owner of a registering unit which includes more than one establishment and who sells and transfers all of them for continued operation. The owner must give the information and give up or transfer ration evidences for all the establishments.

(d) *Sale of part of registering unit.* Where a registering unit consists of several establishments, only some of which are sold or transferred, the purchaser or transferee may not acquire its ration evidences. In this case, the seller or transferor keeps the evidences. The transferor may use the evidences with his other establishments in the registering unit.

SEC. 18.3 *Sale or transfer of industrial user establishments*—(a) *General.* When an "industrial user" sells or transfers to any other person all or part of the business of his "industrial user establishment" for continued operation, both the transferor and the transferee must notify the District Office at which the establishment is registered. The notice must be given, in writing (it may be a joint notice), before the sale or transfer, if possible, or, if not possible, within five days thereafter, and must state:

(1) The name and business address of the establishment and of the persons transferring and acquiring it;

(2) Whether all or part of the business is being transferred, and if the entire business is not being transferred, then the part of the business which is being transferred;

(3) The sugar inventory, if any, transferred; and

(4) The ration credit balance, if any, in the establishment's ration bank account and the amount of ration evidences on hand, including ration evidences sent to a supplier for sugar not yet shipped.

(b) *When the entire industrial user establishment is transferred.* (1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the District Office all unused ration evidences he has for the establishment. If the establishment has a ration bank account, he must give up the credits in such account in the form of his ration check payable to the Office of Price Administration and he must notify the District Office in the way required by section 15.8 (b) of this order. The notice described in paragraph (a) of this section, and the surrender of unused evidences will be treated as a cancellation of the transferor's registration and allotment.

(2) The transferee may not use any sugar transferred with the establishment unless he receives an allotment. The application for an allotment must be made in writing to the District Office for the place where the establishment is registered and must state whether:

(i) The entire establishment, as well as the sugar inventory, has been transferred;

(ii) The transferee will continue to serve, from that establishment the same general class of customers in the same area served by it before the transfer; and

(iii) The transferee will continue to produce, at the establishment, the same class of products though not necessarily under the same trade name.

(3) If the District Office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in subparagraph (2) are satisfied, it shall assign to the transferee the transferor's allotment and base-period use, for that establishment. It shall also give the transferee a check for the value of the evidences that the transferor surrendered to the District Office. However, if the amount of sugar transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as "excess inventory." The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(c) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(d) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (b) of this section must be followed separately as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the transferor must also apply to the District Office with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender evidences except as provided in this subparagraph, and he is not required to close his ration bank account.)

(i) If the District Office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period

use shall be assigned to the transferee. The transferee's allotment shall be part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The District Office shall issue a check to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences that difference shall be treated as excess inventory.

(ii) If the District Office finds that the establishment will not be operated in substantially the same manner as before the transfer or that the tests described in paragraph (b) (2) are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment and the amount of the allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the amount of sugar transferred with the establishment, the difference shall be treated as excess inventory.

(e) *Sale of part of the business of an establishment.* (1) When part, but not all, of the business of an industrial user establishment is transferred, the transferee must apply for an allotment and assignment of a base-period use. The application must be made, in writing, to the District Office with which the transferee will register his establishment, and must state:

(i) What part of the business has been transferred;

(ii) The sugar inventory transferred;

(iii) Whether the transferee will continue to produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name);

(iv) The class of products made by, and the class of customers and area served by the part of the business transferred; and

(v) Whether the transferee will continue to serve the same general class of customers and the same area with the same class of products as were served by the part of the business transferred.

(2) The transferor must also apply, in writing, to the District Office with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender evidences except as provided in this paragraph, and he is not required to close his ration bank account.)

(3) If the District Office finds that there was a bona fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers, and the same area previously served by the part of the business transferred, the District Office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The District Office shall issue a check to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences, that difference shall be treated as excess inventory.

(4) If the District Office finds that there was not a bona fide sale or transfer of part of the business or that the tests described in subparagraph (3) of this paragraph are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the part of the business transferred and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the amount of sugar transferred with the establishment, the difference shall be treated as excess inventory.

(f) *Transferee's registration.* A transferee is regarded as registered as soon as the District Office assigns an allotment and base-period use to him and an OPA Form R–1200 is filed by him.

(g) *Use of allotment by transferee.* A transferee may not use any sugar obtained on a base assigned to him under this section if his operation for the transferred establishment ceases to meet the tests described in paragraph (b) or (e), as the case may be.

(h) *The District Office shall notify the transferor and transferee of the decision.* The District Office shall notify, in writing both the transferor and transferee of its decision on any application made under this section.

(i) *If the transferee is not assigned a base, the transferor may apply for the reassignment of the base to him.* If, under this section, a District Office refuses to assign an allotment or base-period use to a transferee, the transferor may, within 30 days after the District Office notifies him of such refusal, notify the District Office, in writing, that he wishes to resume making the same class of products and serving them to the same general class of customers in the same area to substantially the same extent as before the transfer. In that event, if the District Office finds that the transferor intends to and be able to do so promptly, it may reassign to him his base-period use and allotments just as though there had been no transfer.

SEC. 18.4 *Where and how a transferee registers establishments acquired by him.* (a) A person who buys or otherwise acquires an industrial user establishment of any type and who already has two or more industrial user establishments which are registered together must register the new establishment together with his other establishments registered separately with the District Office for the place where it is located. If he has only one other industrial user establishment he may elect whether his industrial user establishments will be registered together or separately. If he registers them together, registration shall be at the District Office for the place where his principal office is located. If he registers them separately, registration shall be at the District Office for the place where the industrial user establishment is located. If a person who acquires more than one industrial user establishment is entitled to or is required to, register them separately, the District Office must compute separately the portion of the transferor's allotment and quarterly use allocable to each of the establishments acquired, in the way described in section 18.3.

(b) A person who buys or otherwise acquires a "retailer" or "wholesaler" establishment and who already has a registering unit which includes an establishment or establishments of the same type may either register such establishment separately or may register it with his other establishments of the same kind. If the owner desires to obtain a new allowable inventory for the registering unit because of the addition of such establishment he shall apply to the District Office under section 16.1.

SEC. 18.5 *What a person who closes his establishment must do* (a) *General.* (1) Any retailer, wholesaler, or industrial user who goes out of the business of dealing in or using sugar at his establishment must notify the District Office at which it is registered. The notice must be given in writing within five days after he goes out of business. It must state:

(i) The name and address of the establishment.

(ii) The sugar inventory of the establishment at the time he stopped doing business.

(iii) The amount of ration credits in the establishment's account, if any (deducting the amount of any outstanding checks), or, if he has no account, the amount of ration evidences on hand.

(2) If he has a ration bank account, he must also notify the district office in the way required by section 15.8 (b) of this order.

(3) He must account, in writing, in person, or by mail, to the District Office for all evidences he had for the establishment at which he ceased doing business. If all his sugar has not been dis-

posed of at the time of the notice, he must acount for evidences for such sugar as soon as stocks have been liquidated. An industrial user who has given the notice called for above may deliver the sugar in the same way "retailers" are permitted to make deliveries.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section also apply to a person who:

(1) Has more than one industrial user establishment and goes out of business at all of them, whether or not they were registered separately, or

(2) Has a registering unit which includes several retailer or wholesaler establishments and goes out of business at all such establishments. He must give the information required and must give up evidences for all the establishments.

(c) *Closing a part of a chain.* (1) A person who has a registering unit composed of several "retailer" or "wholesaler" establishments may go out of business at one or more establishments but may continue to operate the others in such registering unit. In that case, he need not give up evidences to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues in that registering unit. He must give written notice to the District Office with which the registering unit is registered, giving the name and address of the establishment closed, within five days after he closes it.

(2) A person who has several industrial user establishments which are registered together may go out of business at one or more of them, but may continue to operate the others. In that case he must notify the District Office with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The District Office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base-period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration evidences equal to the reduction. If he does not have evidences to give up, the amount of the reduction shall be treated as "excess inventory."

SEC. 18.6 *Sugar may be delivered without getting evidences in connection with transfer of a business.* (a) No ration evidences need be given up for the delivery of sugar in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires sugar may not use it, but must hold it only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in sections 18.2, 18.3, and 18.4.)

SEC. 18.7 *An industrial user may transfer all or part of his base*—(a) *How application is made.* An industrial user and his customer may apply for the transfer to the customer of all or part of the industrial user's base period use which is allocable to products manufactured by the industrial user during the base period and delivered to the customer, whether or not the industrial user transfers any part of his business to the customer. A joint application must be made, in writing, to the District Office for the place where the customer's principal place of business is or will be located. The application must be signed by both parties. The application must state:

(1) The name and address of the industrial user's establishment;

(2) The name and address of the customer's establishment;

(3) The product or products with respect to which application is made;

(4) The total amount of each class of product manufactured during the base period and delivered to the customer, and the amount of sugar used in each class;

(5) The amount of the sugar base which the industrial user wishes to transfer to the customer.

(b) *Action on application.* If the District Office finds that the statements made in the application are true, it shall permit the customer to register his industrial user establishment, if necessary, and establish a base period use, or increase an existing base period use, for the customer's establishment for the class of products for which application is made, in the amount which the application requests. The amount transferred, however, may not be greater than that part of the industrial user's base period use for that class of products which is allocable to products manufactured during the base period and delivered to the customer.

(c) *Reduction of base period use; issuance of allotment.* As soon as the customer is permitted to register and receives a base period use, the District Office shall notify the District Office where the industrial user is registered. The District Office where the industrial user is registered shall reduce the base period use of the industrial user for the class of products in question by the amount of the base period use established for the customer. The application shall be deemed an application for an allotment for the customer for the current allotment period made as of the date on which the application is approved. The District Office where the application is filed shall issue a check for the amount of the allotment, and shall notify the District Office where the industrial user is registered of the issuance of the allotment. The latter District Office shall then charge the amount of the allotment against the industrial user's next allotment as excess inventory.

ARTICLE XIX—PROVISIONAL ALLOWANCE

SEC. 19.1 *Provisional allowance for pickled and cured fish, shellfish and poultry products*—(a) *General.* An industrial user may get a provisional allowance of sugar for curing, processing or packing, (1) pickled and cured fish, (2) shellfish and (3) poultry products.

(b) *How to apply.* (1) A provisional allowance for curing, processing or packing the products listed in (a) is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with the District Office with which he is registered stating, with respect to each of the products listed in (a):

(i) The total number of pounds of each product cured, processed or packaged by him during 1941;

(ii) The total amount of sugar used by him for such purposes during 1941;

(iii) The average amount of sugar which he used per 100 pounds (unprocessed) of that product for such purposes during 1941;

(2) The application must be made on OPA Form R-359 to the District Office with which the industrial user is registered. It must give all the information required by that form for each product for which he applies.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance under this section and that he has made the report required in (b) (1) and that the application gives all the information required by OPA Form R-359.

(2) The amount of the provisional allowance of sugar for use in curing, processing or packaging the products listed in (a) shall be computed, separately for each product listed, in the following way:

(i) For each listed product the number of 100 pound units (unprocessed) which the applicant expects to cure, process or package from the date of the application to the end of the quarterly period for which application is made is multiplied by 70 percent of the average number of pounds of sugar which he used per 100 pounds (unprocessed) cured, processed or packaged by him during 1941;

(ii) The resulting figures for each listed product are added together and the result is his provisional allowance for curing, processing or packaging pickled and cured fish, shellfish and poultry products. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for curing, processing or packaging any product listed in (a) he may use that provisional allowance only

for the purpose of producing that product. He may not for any such product use more sugar per 100 pounds (unprocessed) than 70 percent of the average number of pounds of sugar he used per 100 pounds (unprocessed) for that product in 1941.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for curing, processing or packaging any product listed in (a) must, before the sixteenth day of the following month, file with the District Office with which he is registered, a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.2 *Provisional allowance for curing, processing or packing meat.*—(a) *General.* An industrial user may get a provisional allowance of sugar to cure, process or pack any of the meat products listed in Table I of the supplement to this order.

(b) *How to apply.* A provisional allowance to cure, process or package the meat products listed in the supplement to this order is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must contain all the information required by that form separately stated for each kind of meat product he will cure, process or package.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for curing, processing, or packing meat and that the application gives the information required by (b) of this section.

(2) The amount of the provisional allowance of sugar for use in curing, processing and packing meat shall be computed in the following way separately for each product:

(i) The number of 100 pound units (unprocessed) of each kind of meat product the applicant expects to cure, process or pack from the date of application to the end of the quarterly period for which application is made is multiplied by the allowance for that unit of product set out in the supplement to this order.

(ii) The resulting figure, for each kind of product are added together and the result is his provisional allowance for curing, processing, or packing meat. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* (1) If an industrial user receives a provisional allowance under this order for curing, processing or packing any meat product, he may use that provisional allowance only for the purposes of curing, processing or packing that meat product.

(2) No industrial user may use more sugar in any quarterly period for packing or otherwise processing any unit of any product listed in the supplement to this order than the amount specified therein as the allowance per unit of such product. However, he may average his use with respect to products in a single class if:

(i) He used sugar in such products in 1941, 1942, 1943, or 1944; or

(ii) He is authorized by the Office of Price Administration to average his sugar use with respect to such product. (The Office of Price Administration will, upon petition, authorize averaging of use with respect to any product if the applicant establishes that the item has been, prior to 1945, customarily packed or processed with sugar by the meat industry.) He may in each quarter use sugar for packing or otherwise processing all such products produced by him in that quarterly period by the allowance per unit for such class of products specified in the supplement to this order. For example, an applicant may have packed bacon and hams with sugar in 1942 but has never packed picnics (shoulders) with sugar. With respect to sugar obtained during the quarter as a provisional allowance for packing the bacon and hams, he may average out his total use of sugar in packing these two products during the quarter. He may not use more than 1.30 pounds of sugar for each 100 pounds of picnics he packs. However, if he has been authorized by the Office of Price Administration to average his use of sugar in packing or processing picnics, he may include this item with ham and bacon in determining his permissible use of sugar.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for the purposes covered by this section, must, before the sixteenth day of the following month, file with the District Office with which he is registered, a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.3 *Provisional allowance for producing frozen fruit*—(a) *General.* An industrial user may get a provisional allowance of sugar to produce the kinds and container sizes of frozen fruit listed in the supplement to this order.

(b) *How to apply.* A provisional allowance for the preparation of frozen fruit is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form separately stated for each kind of fruit he will freeze.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance to produce frozen fruit and that the applicant gives the information required by (b) of this section.

(2) The amount of the provisional allowance of sugar for use in producing frozen fruit shall be computed in the following way separately for each kind of fruit:

(i) The number of units as set out in Table II of each kind of fruit the applicant expects to freeze during the quarter is multiplied by the allowance for the container size and kind of fruit set out in this table.

(ii) The resulting figures for each kind of fruit are added together and the result is his provisional allowance for freezing fruit. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued to freeze fruit.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for freezing any kind of fruit, he may use that provisional allowance only for the purpose of freezing that kind of fruit and only in the type of containers for which he obtained it. No industrial user may use more sugar in any unit of fresh fruit frozen by him than the amount specified in Table II of the supplement to this order for that kind of fruit.

(e) *Records and reports.* Any industrial user who, during a calendar month, has sugar to freeze fruit must before the sixteenth day of the following month, file with the District Office with which he is registered a written report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.4 *Provisional allowances for canned, frozen, bottled or dehydrated cooked beans*—(a) *General.* An industrial user may get a provisional allowance of sugar for canned, frozen, bottled or dehydrated cooked beans.

(b) *How to apply.* (1) A provisional allowance for cooked beans is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with the District Office with whom he is registered. Such report must contain the following information separately stated for each type of bean used by him:

(i) The total quantity of that type of bean processed by him in 1941;

(ii) The total quantity of sugar used by him in processing that type of bean in 1941;

(iii) The average quantity of sugar which he used per 100 pounds of that type of dried bean processed in 1941.

(2) The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for cooked beans, that he has made the re-

port required in (b) (1) and that the application gives the information required by paragraph (b) (2) of this section.

(2) The quantity of the provisional allowance of sugar for cooked beans shall be computed in the following way separately for each type of bean:

(i) The number of 100-pound units of that type of dried bean the applicant expects to use in producing that type of cooked bean from date of application to the end of the quarterly period for which application is made is multiplied by 80 percent of the average number of pounds of sugar which he used per 100 pounds of that type of dried bean so used in 1941.

(ii) The result is his provisional allowance for cooked beans. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for cooked beans.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for cooked beans, he may use that provisional allowance only for the purpose of producing canned, frozen, bottled or dehydrated cooked beans. No industrial user may use more sugar per 100 pounds of dried beans he processes than 80 percent of the average amount of sugar he used in 1941 per 100 pounds of dried beans processed.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for cooked beans, must, before the sixteenth day of the following month, file with the District Office with which he is registered, a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.5 *Provisional allowance for canned and bottled fruit juices*—(a) *General.* An industrial user may get a provisional allowance of sugar for canning and bottling fruit juices.

(b) *How to apply.* (1) A provisional allowance for canning and bottling fruit juices is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with the District Office with which he is registered showing separately for each kind of fruit juice he will can or bottle:

(i) The total number of gallons of that kind of fruit juice produced by him during 1941;

(ii) The total amount of sugar used by him for that kind of fruit juice during 1941;

(iii) The average amount of sugar which he used per gallon of that kind of fruit juice during 1941;

(2) The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form separately stated for each kind of fruit juice.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for canned or bottled fruit juices, that he has made the report required in (b) (1) and that the application gives the information required by paragraph (b) (2) of this section.

(2) The amount of the provisional allowance of sugar for use in canning or bottling fruit juices shall be computed in the following way separately for each kind of fruit juice:

(i) For each kind of fruit juice (other than citrus juice) the number of gallons of that kind of fruit juice (other than citrus juice) which the applicant expects to make from the date of application to the end of the quarterly period for which application is made is multiplied by 80% of the average number of pounds of sugar which he used per gallon for that kind of fruit juice (other than citrus juice) during 1941;

(ii) For each kind of citrus juice the number of gallons of that kind of citrus juice which the applicant expects to make from the date of application to the end of the quarterly period for which application is made is multiplied by 90% of the average number of pounds of sugar which he used per gallon for that kind of citrus juice during 1941;

(iii) The resulting figures for each kind of fruit juice are added together and the result is his provisional allowance for canning and bottling fruit juices. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for canning and bottling fruit juices.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for canning and bottling any kind of fruit juice, he may use that provisional allowance only for the purpose of canning and bottling that kind of fruit juice. For any packing season beginning after June 15, 1945, or for any part of a packing season not ended by that date he may not use more sugar in canning or bottling any fruit juice (other than citrus juice) than 80 percent of the average amount of sugar he used per gallon for that kind of fruit juice (other than citrus juice) in 1941; moreover, for any packing season for that fruit juice which began before but was not ended by June 15, 1945, his use of sugar per case in the production of that fruit juice may not, in any event, exceed 90 percent of the average amount of sugar he used per gallon in 1941 for that kind of fruit juice. Furthermore, for any packing season beginning December 11, 1945, or for any packing season not ended by that date he may not use more sugar in canning or bottling any citrus juice than 90% of the average amount of sugar he used per gallon for that kind of citrus juice in 1941.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar to can or bottle any kind of fruit juice must, before the sixteenth day of the following month, file with the District Office with which he is registered a report on OPA Form R–359A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.6 *Provisional allowance for making soup*—(a) *General.* An industrial user may get a provisional allowance of sugar to manufacture canned or bottled soup.

(b) *How to apply.* (1) A provisional allowance for soup is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with the District Office with which he is registered showing:

(i) The total number of cases of 24 No. 2 cans (or equivalent) of each kind of soup produced by him during the period from August 1, 1943, to June 30, 1944, inclusive;

(ii) The total amount of sugar used by him for each kind of soup during that period;

(iii) The average number of pounds of sugar which he used per case of 24 No. 2 cans (or equivalent) of each kind of soup during that period.

(2) The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form separately stated for each kind of soup.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for soup, that he has made the report required in (b) (1) and that the application gives the information required by paragraph (b) (2) of this section.

(2) The amount of the provisional allowance of sugar for soup shall be computed in the following way separately for each kind of soup:

(i) For each kind of soup, the number of cases of 24 No. 2 cans of soup which the applicant expects to make during the quarter is multiplied by the average number of pounds of sugar which he used for each case of twenty-four No. 2 cans (or equivalent) during the period from August 1, 1943, to June 30, 1944, inclusive.

(ii) The resulting figures for each kind of soup are added together and the result is his provisional allowance for soup. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for making soup.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for making any kind of soup, he may use that provisional allowance only for the purpose of making canned or bottled soup. He may not use more sugar for any case of 24 No. 2 cans (or equivalent) of that kind of canned or bottled soup than the average number of pounds of sugar he used for each case

of that kind of soup in the period from August 1, 1943, to June 30, 1944, inclusive.

(e) *Records and reports.* An industrial user who, during a calendar month obtains sugar to make soup must, before the sixteenth day of the following month, file with the District Office with which he is registered, a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.7 *Provisional allowance for making tomato catsup and chili sauce*—(a) *General.* An industrial user may get a provisional allowance of sugar to make tomato catsup and chili sauce.

(b) *How to apply.* (1) A provisional allowance for tomato catsup and chili sauce is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with the District Office with which he is registered showing:

(i) The total number of cases of 6 No. 10 cans (or equivalent) of tomato catsup and chili sauce produced by him in 1941;

(ii) The total amount of sugar used by him for tomato catsup and chili sauce during that period;

(iii) The average number of pounds of sugar which he used per case of 6 No. 10 cans (or equivalent) during 1941.

(2) The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for tomato catsup and chili sauce, that he has made the report required in (b) (1), and that the application gives the information required by paragraph (b) (2) of this section.

(2) The amount of the provisional allowance of sugar for tomato catsup and chili sauce shall be computed by taking the number of cases of 6 No. 10 (or equivalent) cans of tomato catsup and chili sauce which the applicant expects to make from the date of application to the end of the quarterly period for which application is made and multiplying that figure by the average number of pounds of sugar which he used for each case of 6 No. 10 cans (or equivalent) during 1941. The result is his provisional allowance for tomato catsup and chili sauce. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for making tomato catsup and chili sauce.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for making tomato catsup and chili sauce, he may use that provisional allowance only for the purpose of making tomato catsup and chili sauce. The average amount of sugar he may use per case of 6 No. 10 cans, or equivalent, of tomato catsup or chili sauce may not exceed the average amount he used per case for such pack in 1941.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for making tomato catsup and chili sauce, must, before the sixteenth day of the following month, file with the District Office with which he is registered, a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.8 *Provisional allowance for manufacturing condensed milk in containers over one gallon*—(a) *General.* An industrial user may apply, in any month, for a provisional allowance to manufacture, during the following month, condensed milk to be packaged in containers holding more than one gallon.

(b) *How to apply.* Application must be made in duplicate on OPA Form R–360 and must give all the information required by that form. The industrial user shall send the original of the application to the Office of Price Administration, Washington, D. C., and shall file a duplicate with the District Office with which he is registered.

(c) *Allowances are granted by Washington Office.* The Washington Office of the Office of Price Administration may grant such provisional allowance in an amount which it considers necessary to prevent the spoilage of milk, on such conditions as it may require.

(d) *Restriction on use.* Sugar obtained under this section may be used only for the purposes for which it was granted, and at the rate permitted by the Washington Office.

(e) *Records.* An industrial user who obtained sugar under this section must keep records of his use of such sugar at his principal business office as long as this order remains effective.

SEC. 19.9 *Provisional allowance for producing canned and bottled vegetables*—(a) *General.* An industrial user may get a provisional allowance of sugar to can or bottle the vegetables listed in Table III of the supplement to this order.

(b) *How to apply.* A provisional allowance for canning or bottling vegetables is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form separately stated for each kind of vegetable he will can or bottle.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance to can or bottle vegetables and that the application gives the information required by (b) of this section.

(2) The amount of the provisional allowance of sugar for use in canning and bottling vegetables shall be computed in the following way separately for each kind of vegetable:

(i) The number of cases of 24 No. 2 cans of each kind of vegetable the applicant expects to can or bottle from the date of application to the end of the quarterly period for which application is made is multiplied by the allowance for that kind of vegetable set out in III of the supplement to this order.

(ii) The resulting figures, for each kind of vegetable are added together and the result is his provisional allowance for canning or bottling vegetables. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued to can or bottle vegetables.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this order for canning or bottling any kind of vegetable, he may use that provisional allowance only for packing that kind of vegetable and only in an amount not to exceed the quantities allowed by Table III in the supplement to this order for the purpose of canning or bottling that kind of vegetables.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for canning or bottling vegetables, must, before the sixteenth day of the following month, file with his District Office with which he is registered a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective.

SEC. 19.10 *Provisional allowance for canned and bottled fruit*—(a) *General.* An industrial user may get a provisional allowance of sugar for canning and bottling fruits.

(b) *How to apply.* (1) A provisional allowance for canning and bottling fruit is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such a provisional allowance for any period may be made at any time from fifteen days before to the end of that period. On or before application for a provisional allowance for these purposes, however, the industrial user must file a written report with respect to each kind of fruit he will can or bottle:

(i) The total number of cases of 24 No. 2½ cans (or equivalent) of each kind of fruit produced by him during 1941;

(ii) The total amount of sugar used for such fruit in 1941;

(iii) The average amount of sugar which he used per case of 24 No. 2½ cans (or equivalent) of each kind of fruit during 1941.

(2) The application must be made on OPA Form R–359 to the District Office with which the industrial user is registered. It must give all the information required by that form separately stated for each kind of fruit.

(c) *Action on application.* (1) The District Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for canned or bottled fruit, that he has made the report required in (b) (1) and that the application gives the information required by paragraph (b) (2) of this section.

(2) The amount of the provisional allowance of sugar for use in canning or bottling fruit, for each kind of fruit, shall be computed in one of the following ways, whichever is applicable:

(i) The number of cases of 24 No. 2½ cans (or equivalent) of that kind of fruit which the applicant expects to pack from the date of application to the end of the quarter is multiplied by 80 percent of the average number of pounds of sugar which he used per 24 No. 2½ cans (or equivalent) for that kind of fruit during 1941; or

(ii) However, if his average use per case of 24 No. 2½ cans (or equivalent) during 1941 is more than the amount specified in Table IV of the supplement to this order and 80 percent of his average 1941 use per case is less than the amount set out in this table of the supplement to this order, his provisional allowance is computed by taking for each kind of fruit the number of cases of 24 No. 2½ cans (or equivalent) which the applicant expects to pack from the date of application to the end of the quarter and multiplying it by the amount of sugar per case for that kind of fruit as set out in this table; or

(iii) If 100 percent of his 1941 use per case is less than the amount set out in Table IV of the supplement to this order, his provisional allowance for each kind of fruit is computed by multiplying the number of cases of 24 No. 2½ cans (or equivalent) which the applicant expects to pack during the quarter by the average number of pounds of sugar which he used per case of 24 No. 2½ cans (or equivalent) of that kind of fruit during 1941.

The resulting figures for each kind of fruit are added together and the result is his provisional allowance for canning and bottling fruit. The District Office shall issue to him a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for canning and bottling fruit.

(d) *Restriction on use.* An industrial user who obtains a provisional allowance under this order may use the sugar during a packing season only to pack the fruit for which it was granted and only in the quantities allowed. Moreover, he may not use sugar for any packing season beginning after June 15, 1945 for any part of a packing season beginning after that date at an average rate higher than is provided in computing the allowance in paragraph (c) of this section. In addition, for any packing season for that fruit which began before but was not ended by June 15, 1945, his average use of sugar per case in the canning or bottling of that fruit must not, in any event, exceed 90 percent of the average amount he used per case in 1941. Moreover, after June 15, 1945, the maximum Brix cut out in which the following fruits may be packed is as follows:

Prunes (fresh)	25.9
Prunes (dry)	29.9
Figs	29.9
Blackberries	23.9
Raspberries and all other berries (excluding cranberries)	27.9
Plums	29.9
Cherries (sweet)	24.9
Apricots	20.9
Fruit cocktails	17.9
Peaches, Elberta	23.9
Peaches, all other	18.9
Pears	17.9

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for canning or bottling fruit must, before the sixteenth day of the following month, file with the District Office with which he is registered, a report on OPA Form R–359–A giving all the information required by that form. He must keep a copy of this report at his principal business office as long as this order remains effective. In addition, he must keep records of the Brix cutout test as customarily made but these tests shall not be less than 1 can per 1,000 cans on can sizes No. 2½ or smaller or 1 can per 600 cans for sizes larger than No. 2½'s.

SEC. 19.11 *"Sugar" includes dextrose and corn syrup.* For the purpose of the reports, and the restrictions on use of sugar covered by this article, the amount of sugar used must include all dextrose and corn syrup used on the basis of 1.1 pounds of dextrose and 1.2 pounds of corn syrup as the equivalent of 1 pound of sugar.

ARTICLE XX—ZONING

SEC. 20.1 *Deliveries, transfers or shipments outside a zone.* (a) The Director of the Food Rationing Division of the Office of Price Administration may, from time to time, issue orders establishing zones for the purposes of this section.

(b) Except as otherwise authorized by the Director, no person shall deliver, ship or transfer sugar from a zone to a point outside such zone, and no person shall accept such delivery, shipment or transfer.

(c) Paragraph (b) shall not apply to a delivery, shipment or transfer from a wholesale or retail establishment to a point within the established trading area of such establishment, if the person to whom delivery, shipment or transfer is made has customarily received sugar from a wholesaler or retailer.

(d) Unless otherwise specified by the Director, paragraph (b) shall not apply to raw sugar, turbinado sugar, plantation white sugar, high-washed sugar, Louisiana seconds sugar, invert sugar, liquid sugar, confectioners' sugar (powdered), or soft sugar in bulk; or to confectioner's, brown, loaf, tablet, and other specialty sugars in one and two pound packages, except fine granulated sugar; or to sugar refined or processed outside the continental United States.

(e) Paragraph (b) shall not apply to deliveries, shipments or transfers by or to the Army or Navy of the United States or by or to any of the persons or agencies specified in section 14.2 of this order or to sugar delivered for export under Article XII.

(f) Paragraph (b) shall not apply to deliveries, shipments or transfers of sugar by or to carriers for the purpose of making deliveries, shipments or transfers thereof exempted from paragraph (b) by paragraph (c), (d) or (e) or by the Director.

ARTICLE XXI—DEBITING FOR INVALID EVIDENCE

SEC. 21.1 *Debits and reductions because of invalid stamps*—(a) *General.* If the District Director or his designee finds upon an examination that any stamps deposited in the ration bank account of any registering unit or primary distributor, or any other stamps of the registering unit or primary distributor, are expired, counterfeit, or not yet valid, the following action shall be taken:

(1) *Stamps received by a registering unit or primary distributor from another registering unit.* If such stamps were received by a registering unit or primary distributor from another registering unit, the Distict Director or his designee shall:

(i) Cause the ration bank account of the registering unit that deposited the stamps to be debited in the amount of the invalid stamps;

(ii) Notify the registering unit or the primary distributor depositing the invalid stamps and the registering unit that attached the stamps to the gummed sheets pursuant to subparagraph (3) of this paragraph.

(2) *Stamps received by a registering unit from a consumer.* If such stamps were received by the registering unit from a consumer, the District Director or his designee shall:

(i) Cause the ration bank account of the registering unit to be debited in the amount of the invalid stamps;

(ii) Reduce the allowable inventory of the registering unit in the amount of the invalid stamps; and

(iii) Notify the registering unit pursuant to subparagraph (3) of this paragraph.

(3) *Contents of notice.* The notice to the registering unit or primary distributor shall contain the following information:

(i) The number of invalid stamps;

(ii) The circumstances under which the invalid stamps were discovered and the reason for the invalidity of the stamps;

(iii) A statement advising the registering unit or primary distributor that he may, within fourteen (14) days after the date of the notice, request the District Director to afford him an opportunity to satisfy the District Director or his designee that the alleged invalid stamps were valid for the delivery of sugar;

(iv) If the notice is directed to a registering unit or primary distributor which received the invalid stamps from another registering unit, it shall also contain the following information:

(*a*) If the invalid stamps have been credited to the registering unit, or primary distributor's ration bank account, a statement (where this is the case) that such account has been debited in the amount of the invalid stamps;

(*b*) That the registering unit must obtain valid evidences from the registering unit which attached the invalid stamps

to the gummed sheets to replace such invalid stamps when the determination of the invalidity of the stamps becomes final; and

(c) That such determination shall become final on the fifteenth day after the date of the notice unless the registering unit is otherwise informed.

(v) If the notice is directed to a registering unit which attached invalid stamps to a gummed sheet which it deposited in its ration bank account, it shall contain the following information:

(a) A statement that its ration bank account has been debited in the amount of such invalid stamps;

(b) That its allowable inventory is reduced by the amount of the invalid stamps, effective on the 19th day after the date of the notice.

(vi) If notice is directed to a registering unit which attached invalid stamps to a gummed sheet, which it has surrendered to another registering unit for sugar, it shall also contain the following information:

(a) A statement that the registering unit attaching the stamps to the gummed sheets must surrender valid evidences to the registering unit which deposited the invalid stamps to replace the invalid stamps;

(b) A statement that the allowable inventory of the registering unit which attached the invalid stamps to the gummed sheets is decreased in the amount of the invalid stamps, effective the fifteenth day after the date of notice.

(4) *District Office where registering unit is registered to be notified.* If the District Director or his designee notifies a registering unit that its allowable inventory has been decreased, he shall also send a notice to the District Office with which the registering unit is registered, stating that the allowable inventory of such registering unit has been decreased in the specified amount of the invalid stamps and that such decrease shall be effective on the fifteenth day following the date of notice.

(b) *Effective date of the determination of invalidity; reversal or debits if stamps prove to be valid.* A person desiring an opportunity to demonstrate that he did not acquire and surrender invalid stamps and that his allowable inventory shall, therefore, not be reduced may file a written request with the District Director within fourteen (14) days from the date of the notice sent him pursuant to paragraph (a) of this section. If he files such request within the prescribed time, the District Director or his designee shall afford him such opportunity, not later than fifteen (15) days from the date that the request was filed, to present evidence to establish that he did not acquire or surrender invalid stamps. If he files such request within the prescribed time, the District Director or his designee shall afford him such opportunity, not later than fifteen (15) days from the date that the request was filed, to present evidence to establish that he did not acquire or surrender invalid stamps. If the date of the hearing is later than fourteen (14) days after the date of the original notice of the invalidity of the stamps sent to a registering unit pursuant to paragraph (a) of this section, the District Director shall inform such registering unit that determination of the invalidity of stamps and the decrease in his allowable inventory will not become final until further notice.

If the District Director or his designee finds after hearing, that the person neither acquired nor surrendered invalid stamps, he shall modify his former determination and take appropriate action to replace the stamps and restore the allowable inventory in accordance with the new findings. In such a case, the District Director or his designee will send appropriate notices to the registering units previously notified and to the appropriate District Office and ration bank setting forth the action taken.

If the person does not file his request in the prescribed time, or fails to establish that he did not acquire or surrender invalid stamps, then the determination becomes final and the decrease in allowable inventory based on the invalid stamps becomes effective.

(c) *Appeal.* Any registering unit may appeal to the Regional Administrator from an adverse decision of a District Director or his designee. In such a case the decision of the Regional Administrator shall be final, and there shall be no further right of appeal. However, where the Regional Administrator sits in place of a District Director there shall be a right of appeal to the Washington Office of the Office of Price Administration. The appeal shall be pursuant to the provisions of the Procedural Regulation No. 9.

(d) As used in this section the word "stamps" includes coupons.

(e) No registering unit which has accepted a delivery of sugar in exchange for ration stamps which have been finally determined by the District Director or his designee to be invalid pursuant to paragraph (b) of this section may accept any other delivery of sugar until it has surrendered to its transferor or a representative of the District Office valid ration evidences in an amount equal to the invalid stamps.

(f) No person shall deliver sugar to any registering unit which he knows or has reason to know has accepted a delivery of sugar in exchange for stamps which the District Director or his designee has finally determined to be invalid pursuant to paragraph (b) of this section, and has not surrendered to its transferor or a representative of the District Office valid ration evidences in an amount equal to the invalid stamps.

ARTICLE XXII—MISCELLANEOUS RULES AND PROHIBITIONS

SEC. 22.1 *Correction of registration.* A registration made upon OPA Form R–1200 may be corrected so as to accurately state base period use. (Under this section clerical errors may be corrected.)

SEC. 22.2 *Prohibition on deliveries by consumers and industrial and institutional users.* No consumer or institutional or industrial user may deliver sugar, except as authorized by the Office of Price Administration or as provided in this order or Revised General Ration Order 5.

SEC. 22.3 *Deliveries of sugar by industrial users.* (a) An industrial user who has received a provisional allowance may, with the prior approval of the District Office deliver sugar in the original unopened packages of a primary distributor if the industrial user does not, at the time he makes application for such approval, expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of his provisional allowance for the preceding period.

(b) Application for the District Office's approval must be made by the industrial user in writing. If the requirements of paragraph (a) are met, the District Office will approve the application.

(c) Such sugar may be delivered upon receipt of evidences and the evidences received must be given up to the District Office for cancellation. The District Office, when it next issues a check to the industrial user under section 2.2 of this order, will reduce his "excess inventory" by the amount of evidences given up.

SEC. 22.4 *Drop shipments.* Any registering unit from which delivery of sugar is requested, if the parties so agree, may direct the registering unit, the industrial user, or the institutional user requesting delivery to take the sugar from the premises of a third party or may direct the third party to deliver the sugar. In such event the registering unit from which delivery of sugar was requested shall surrender to the third party as authority for the delivery any evidences received from the registering unit, the industrial user, or the institutional user to which the sugar is delivered.

SEC. 22.5 *Prohibited deliveries.* (a) No person may deliver sugar to any industrial or institutional user and no industrial or institutional user may accept delivery of sugar from any person unless such person receives from the industrial or institutional user evidences covering the amount of sugar delivered. However, any sugar which was included, or required to be included, in the opening inventory of an institutional user establishment under Revised General Ration Order 5 may be received without giving up evidences.

(b) Deliveries of sugar from one institutional user establishment to another of the same owner are covered by Revised General Ration Order 5.

SEC. 22.6 *Revised General Ration Order 5 governs whenever inconsistent with this order.* If any provision of this order is inconsistent with the provisions of Revised General Ration Order 5, Revised General Ration Order 5 governs and supersedes the provisions of this order to the extent that they are inconsistent. However, section 20.1 of this order and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration under that section govern in the event of any inconsistency with the provisions of Revised General Ration Order 5 and shall not be superseded by any provision of Revised General Ration Order 5.

SEC. 22.7 *Miscellaneous record keeping.* Any person required by this order

on December 14, 1943, to keep records must retain such records for as long as this order remains effective or until further order by the Office of Price Administration. Such records must be kept available for inspection by the Office of Price Administration.

SEC. 22.8 *References to Rationing Order No. 3, Revised Ration Order 3 or Second Revised Ration Order No. 3 deemed references to Third Revised Ration Order 3.* References to Rationing Order No. 3, Revised Ration Order 3 or Second Revised Ration Order 3 in any order, amendment, rationale, form, or other document shall be deemed references to Third Revised Ration Order 3.

SEC. 22.9 *Prohibited sale.* (a) No person shall sell or otherwise dispose of any sugar with knowledge, or under circumstances from which it might reasonably appear to such person, that it is the intention of the person to whom the sugar is sold or otherwise disposed of, to use it, or to resell it or otherwise dispose of it to another person for use in violation of the laws of the United States, including use in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States.

(b) A sale or other disposition of sugar by a person (hereinafter called the transferor) to any other person, following receipt by the transferor of written notice from the Office of Price Administration that such other person has used sugar in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States, shall be prima facie evidence of a willful violation of this section by the transferor.

SEC. 22.10 *Unlawful use or possession.* No person shall at any time either use or have in possession or under his control or take delivery of any sugar, checks, coupons, stamps or ration books, where such possession, control, or acquisition is in violation of this order.

SEC. 22.11 *Coupons are property of the Office of Price Administration.* All coupons remain the property of the Office of Price Administration, whether or not they have been issued, and the Office of Price Administration may suspend, cancel, or revoke any coupon issued if it finds it in the public interest to do so.

SEC. 22.12 *Saving clause.* No provision of any amendment to the Sugar Rationing Regulations (unless such amendment otherwise expressly provides) effecting the dissolution of registering units, resulting in the amendment or cancellation of registrations, placing persons or establishments once subject to this order under another order, or removing limitations or restrictions heretofore imposed by this order from persons, establishments, or registering units shall be deemed to (1) excuse the failure to discharge or perform any duty or obligation or (2) condone any acts or omissions to act, by any person, establishment, or registering unit prior to the effective date of such amendment.

SEC. 22.13 *Prohibited deliveries.* (a) Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, on and after June 19, 1942, except as otherwise expressly permitted in this order, deliveries of sugar shall be made only by and to, and accepted only by and from institutional user establishments registered under Revised General Ration Order 5, registered consumers, registering units, industrial users registered on OPA Form R–1200, and primary distributors.

(b) No person, unless expressly permitted by this order or otherwise authorized by the Office of Price Administration, may deliver sugar unless he receives evidences covering the amount of such sugar or accept delivery of sugar unless he surrenders evidences for that amount of sugar. No person, unless expressly permitted by this order or otherwise authorized by the Office of Price Administration may accept or receive evidences unless he delivers sugar covering the amount of the evidences and, unless expressly permitted by this order or otherwise authorized by the Office of Price Administration, no person may surrender evidences except to authorize a delivery of sugar.

SEC. 22.14 *Prohibition on use of stamps.* (a) No person may accept a stamp from a consumer or a person acting on behalf of the consumer unless the stamp is detached from the ration book of the consumer in his presence.

(b) No person may accept stamps from any person other than a consumer or person acting on behalf of a consumer unless pasted on gummed sheets as provided by this order.

SEC. 22.15 *Manifest must accompany shipment of sugar.* (a) Every person shipping 100 pounds or more of sugar by railway, truck or other means of transportation shall furnish the carrier a manifest showing the name and address of the person who delivered the shipment to the carrier, the name and address of the consignee, the name and address of the owner of the shipment (if neither the consignee nor the person who delivered the shipment to the carrier), the amount of sugar in the shipment, and the date of the shipment. No person shall transport such a shipment unless such a manifest accompanies such shipment in the truck, train, or other means of transportation. Such manifest shall be available for inspection by any investigatory or enforcement agent of the United States. A copy of the manifest shall be retained by the shipper at his principal business office as long as this order remains effective.

ARTICLE XXIII—APPEALS

SEC. 23.1. *Appeals* (a) A person may appeal from any action of the Board, District Office, or Regional Administrator adverse to such person. Such appeal shall be brought in accordance with the terms and provisions of Procedural Regulation No. 9.

(b) This section shall not apply to any action taken with respect to petitions made pursuant to Article XVI or Article XVII, except action taken with respect to such a petition by the District Office, or Regional Administrator in cases where the District Office or official taking the action has been authorized by the Office of Price Administration to grant or deny such petition.

ARTICLE XXIV—DEFINITIONS

SEC 24.1 *Meaning of terms used in this order.* (a) Whenever the provisions of this order impose or confer duties, obligations, rights or privileges upon an establishment or registering unit, such duties, obligations, rights and privileges shall be considered as being conferred or imposed upon the person owning such establishment or registering unit with respect thereto. Whenever reference is made to an act done or to be done, or to property owned, by an establishment or a registering unit, it shall be deemed to refer to an act done or to be done, or to property owned, by the person owning such establishment or unit in its behalf.

(b) Words importing the masculine gender include the feminine and neuter genders; and words importing the singular include the plural and vice versa.

(c) Definitions:

(1) "Account" means a sugar ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, coupons, and checks and of transfers of sugar ration credits.

(2) "Adult" means any married person or any person who is at least eighteen (18) years of age.

(3) "Bank" means a bank or bank branch which participates in ration banking.

(4) "Book," or "war ration book" means a ration book which contains or contained stamps designated by the Office of Price Administration as authorization to take delivery of sugar.

(5) "Check" means a sugar ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(6) "Consumer" means any individual who receives sugar for personal use.

(7) "Coupon" means a "ration coupon" which authorizes the delivery of sugar.

(8) "Delivery" means the transfer of physical possession or the transfer of a document of title.

(9) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(10) "The District Office" means a District Office (established by the Office of Price Administration) or the District Office with which the consumer, industrial user establishment, or registering unit is registered, as the context indicates.

(11) "Establishment" means the business or operation subject to this order, conducted at or from a particular location.

(12) "Family unit": A family unit consists of all persons related by blood, marriage or adoption who regularly reside in the same household.

(13) "Industrial user" means any "person" who has an "industrial user establishment." "Industrial user estab-

lishment" means any establishment where a person uses sugar in producing, manufacturing, or processing any product other than sugar if the product is not to be used in the preparation or service of food or beverages which the establishment or its owner serves to consumers. It also includes any establishment (except an establishment at which sugar is used only for educational purposes under the direction of the Department of Agriculture or the Extension Service of the Department of Agriculture) at which sugar is used for experimental, educational, testing, or demonstration purposes, whether or not a product resulting from such uses is to be used in the preparation or service of foods or beverages which the establishment or its owner serves to consumers. An industrial user who ceases (other than temporarily) to make an industrial use of sugar is not regarded as an industrial user after he ceases.

(14) "Institutional use," "institutional user," "institutional user establishment" and "opening inventory" have the respective meanings given to such terms by Revised General Ration Order 5: *Provided*, That, for the purpose of this order, the term "institutional user establishment" shall be deemed to include any place where an institutional use of sugar is authorized by Revised General Ration Order 5.

(15) "Issue" when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(16) "Person" means any individual, partnership, corporation, association, or other organized group of persons, and includes the United States, or any agency thereof, and the States or any political subdivisions or agencies thereof.

(17) "Primary distributor" means any person who manufactures sugar or the agent of any such person; or any person who, for the purposes of sale, takes delivery from the Collector of Customs of sugar brought to the continental United States from a place, other than Canada or Mexico, not subject to this order, or the agent of any such person. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(18) "Ration credits" means the credits in an account reflecting deposits of stamps, coupons or checks.

(19) "Ration evidences" or "evidences" means checks, coupons, and stamps.

(20) "Ration period" means the space of time designated by the Office of Price Administration for which a stamp shall be valid.

(21) "Registering unit" means the "wholesaler" or "retailer" establishment or group of establishments selected by the owner thereof to be treated as a single unit for the purpose of this order and which is so registered by him.

(22) "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

(23) "Shipping unit" means the quantity of sugar customarily contained in the carload or truckload by which a registering unit takes delivery of sugar from a primary distributor.

(24) "Stamp" means a War Ration Stamp originally contained in a War Ration Book and designated by the Office of Price Administration as an authorization to take delivery of sugar.

(25) "Sale at retail" means a sale to a consumer.

(26) "Sale at wholesale" means a sale to a person other than a consumer.

(27) "Sugar" means any saccharine product derived from sugar beets or sugarcane, which is not to be further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than six per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States. "Sugar," within the meaning of this definition, shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, brown sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar, invert sugar mush, raw sugar, liquid sugar, sirups, and sugar mixtures. Liquid sugar shall be computed on the basis of the weight of sugar solids.

(28) "Weight value" means the amount of sugar authorized to be delivered by a stamp, coupon or check.

(29) "Wholesaler" means an establishment which makes over 50 percent of its sales of all merchandise to persons other than consumers. The term "wholesaler" does not include a primary distributor.

This regulation shall become effective January 1, 1946.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23248; Filed, Dec. 29, 1945; 4:48 p. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 3A, Revocation]

RATION BANKING: DEPOSITORS

Subject to section 5.1 of General Ration Order 8, Revised General Ration Order 3A (Ration Banking: Depositors) and revocation and suspension orders relating to ration banking are revoked and provisions covering ration banking are incorporated in Third Revised Ration Order 3.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23237; Filed, Dec. 29, 1945; 4:49 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 3B, Revocation]

RATION BANKING: EXEMPT AGENCIES

Subject to section 5.1 of General Ration Order 8, General Ration Order 3B (Ration Banking: Exempt Agencies) is revoked and provisions relating to ration banking for exempt agencies are incorporated in Third Revised Ration Order 3.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

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PART 1305—ADMINISTRATION

[Gen. RO 7, Revocation]

METHOD OF SURRENDER AND DEPOSIT OF RATION STAMPS AND COUPONS

Subject to section 5.1 of General Ration Order 8, General Ration Order 7 (Method of Surrender and Deposit of Ration Stamps and Coupons) is revoked.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

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PART 1305—ADMINISTRATION

[Gen. RO 9, Revocation]

TEMPORARY FOOD RATIONS

Subject to section 5.1 of General Ration Order 8, General Ration Order 9 (Temporary Food Rations) is revoked and provisions covering temporary food rations are incorporated in Third Revised Ration Order 3.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

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PART 1305—ADMINISTRATION

[Gen. RO 11, Revocation]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

Subject to section 5.1 of General Ration Order 8, General Ration Order 11 (Replacement of Rationed Foods Used in Products Acquired by Designated Agencies) is revoked and provisions relating to replacement of sugar used in products acquired by designated agencies are incorporated in Third Revised Ration Order 3.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23243; Filed, Dec. 29, 1945; 4:50 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 14, Revocation]

WAR RATION BOOK FOUR

Subject to section 5.1 of General Ration Order 8, General Ration Order 14 (War Ration Book Four) is revoked and provisions relating to War Ration Book Four are incorporated in Third Revised Ration Order 3.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

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PART 1305—ADMINISTRATION

[Gen. RO 17, Revocation]

EXPORT OF RATIONED FOODS

Subject to section 5.1 of General Ration Order 8, General Ration Order 17 (Export of Rationed Foods), is revoked and all provisions relating to the export of sugar are incorporated in Third Revised Ration Order 3.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23246; Filed, Dec. 29, 1945; 4:49 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Supp. 1]

SUGAR

SECTION 1. *Tables of sugar allowance for determination of provisional allowance.*

TABLE I—CANNED OR CURED MEATS, REGARDLESS OF HOW PACKAGED

Class of products:	*Quantity of sugar allowed in pounds per 100 pounds unprocessed of product*
1. Pork products, dry cured	1.30
2. Pork products, sweet pickled	1.00
3. Beef, dried and corned and beef tongues	1.00
4. Canned luncheon meats and canned spiced ham	1.00
5. Dry sausage	.75
6. Fresh sausage and baked loaves	.50
7. Lamb tongue and lunch tongue	.75
8. Mutton	1.00
9. All others—No provisional allowance	----

TABLE II—FROZEN FRUIT (QUICK FROZEN OR COLD PACK)

Kind of fruit	Unit (quantity of fresh fruit in pounds)	Quantity of sugar allowed in pounds per unit of fresh fruit packed in containers	
		Over 10 pounds	10 pounds and under
Apples and crabapples	7	1	None
Applesauce	9	None	1
Apricots	5	1	1¼
Blackberries	5	None	1
Boysenberries	5	None	1
Cherries	5	1	1¼
Citrus segements	8	1	1
Logahberries	5	None	1
Nectarines	5	1	1¼
Mixed fruit (fruit cocktail and fruit for salad	5	None	1
Peaches	5	1	1¼
Pineapples	5	1	1
Plums, red meat only	5	1	None
Raspberries—black	5	None	1
Raspberries—red	5	1	1
Strawberries	4	1	1
All other fruits	----------	None	None

No sugar may be allowed to pack any of the above fruits in puree form in containers of 10 pounds or less

TABLE III—CANNED VEGETABLES

Product:	*Maximum sugar allowance in pounds per case of 24 No. 2 cans*
Carrots and peas	0.32
Corn—cream style	1.00
Corn—whole kernel	.64
Corn—vacuum pack	.56
Peas	.48
Succotash	.88
Sweetpotatoes (syrup type only)	1.20
All other vegetables	None

TABLE IV—CANNED AND BOTTLED FRUITS

Product:	*Amount of sugar in pounds per case of 24 No. 2½ cans*
Apples	0.22
Applesauce	4.06
Apricots	4.31
Berries:	
Blackberries	3.14
Raspberries—black	3.57
Raspberries—red	5.07
Strawberries	5.66
Other berries	3.86
Cherries (sweet)	4.33
Cranberries	16.80
Figs	7.17
Fruit cocktail	4.71
Citrus segments	4.35
Peaches (cling)	3.98
Peaches (freestone)	3.80
Pears	3.15
Plums	6.40
Prunes	4.41

TABLE V—CONVERSION FACTORS

FOR TRANSLATING DOZENS OF CANS TO CASES OF 24 NO. 2 CANS

Size:	*Factor*
202 x 214	0.12
211 x 214	.18
8 Z talls	.21
No. 1 picnics	.26
12 oz. vacuum	.36
No. 300's	.37
No. 1 talls	.41
No. 303's	.41
No. 300 cylinders	.47
No. 303 cylinders	.53
No. 2 cylinders	.64
No. 2½'s	.73
No. 3 cylinders	1.26

TABLE V—CONVERSION FACTORS—Continued

FOR TRANSLATING DOZENS OF CANS TO CASES OF 24 NO. 2 CANS—continued

Size:	*Factor*
No. 5's	1.44
No. 10's	2.66

NOTE: Multiply the number of dozens of each size by the conversion factor for that size to get the number of cases of 24 No. 2's.

FOR TRANSLATING DOZENS OF CANS TO CASES OF 24 NO. 2½ CANS

Size:	*Factor*
202 x 214	0.081
211 x 214	.114
No. 1 talls	.28
No. 300's	.26
No. 303's	.28
No. 2's	.35
No. 10's	1.84

NOTE: Multiply the number of dozens of each size by the conversion factor for that size to get the number of cases of 24 No. 2½'s.

TO CONVERT TO CASES OF 6 NO. 10 CANS

Size of case:	*Factor*
Case of 12/12 oz. (glass)	0.22
Case of 4/1 gal. (glass)	.90
Case of 24/14 oz. (glass)	.51

NOTE: Multiply the number of cases by the conversion factor to get the number of cases of 6 No. 10 cans.

SEC. 2.1. *Allotment percentages for industrial users.*

	Percentage of sugar base (for quarterly allotment periods commencing on or after January 1, 1946
1. Bread and other bakery products	60
2. Baking mixes, including batters	60
3. Breakfast cereals; and cereal paste products such as spaghetti and macaroni	60
4. Ice cream; ices; sherbets; frozen custards; and mixes used for these purposes	50
5. Condensed milk in containers of one gallon or less; cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks	50
6. Bottled beverages (alcoholic and nonalcoholic); flavoring and coloring extracts; fountain syrups; drink mixes; brandied fruits; maraschino cherries; fountain fruits; pickled fruits and vegetables; relishes	50
7. Mayonnaise and salad dressing	50
8. Products fried in fat (except bakery products) such as nuts, potato chips	50
9. Candy; chocolate; cocoa; chewing gum	50
10. Sandwiches	50
11. Dehydrated and dried soup and soup mixes	50
12. Canned and bottled foods (not included in other items); table syrup	50
13. Experimental, educational demonstration and testing purposes	50
14. Pharmaceuticals (internal); allergy foods; vitamin oils; cough drops	110
15. Pharmaceuticals (external)	110
16. All other classes; food	50
17. All other classes; non-food	50
18. Jams, jellies, preserves, marmalades and fruit butters	45

SEC. 3.1. *Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
No. 1 (May 5 to May 16, 1942)	Stamp No. 1	1
No. 2 (May 17 to May 30, 1942)	Stamp No. 2	1
No. 3 (May 31 to June 13, 1942)	Stamp No. 3	1
No. 4 (June 14 to June 27, 1942)	Stamp No. 4	1
No. 5 (June 28 to July 25, 1942)	Stamp No. 5	2
No. 6 (July 26 to Aug. 22, 1942)	Stamp No. 6	2
No. 7 (July 10 to Aug. 22, 1942)	Stamp No. 7	2
No. 8 (Aug. 23 to Oct. 31, 1942)	Stamp No. 8	5
No. 9 (Nov. 1 to Dec. 15, 1942)	Stamp No. 9	3
No. 10 (Dec. 16, 1942 to Jan. 31, 1943)	Stamp No. 10	3
No. 11 (Feb. 1, 1943 to Mar. 15, 1943)	Stamp No. 11	3
No. 12 (Mar. 16, 1943 to May 31, 1943)	Stamp No. 12	5
No. 13 (June 1, 1943 to Aug. 15, 1943)	Stamp No. 13	5
No. 14 (Aug. 16, 1943 to Nov. 1, 1943)	Stamp No. 14	5
No. 15 (Nov. 1, 1943 to Jan. 15, 1944)	Book 4, sugar stamp 29	5
No. 16 (Jan. 16, 1944 through Dec. 25, 1944)	Book 4, sugar stamp 30	5
No. 17 (Apr. 1, 1944 through Dec. 25, 1944)	Book 4, sugar stamp 31	5
No. 18 (June 16, 1944 through Dec. 25, 1944)	Book 4, sugar stamp 32	5
No. 19 (Sept. 1, 1944 through Dec. 25, 1944)	Book 4, sugar stamp 33	5
No. 20 (Nov. 16, 1944 through February 28, 1945)	Book 4, sugar stamp 34	5
No. 21 (Feb. 1, 1945 through June 2, 1945)	Book 4, sugar stamp 35	5
No. 22 (May 1, 1945 through Aug. 31, 1945)	Book 4, sugar stamp 36	5
No. 23 (Sept. 1, 1945 through Dec. 31, 1945)	Book 4, sugar stamp 38	5
No. 24 (Jan. 1, 1946 through Apr. 30, 1946)	Book 4, sugar stamp 39	5

SEC. 4.1 *Areas which have had a substantial increase in population and the percentage for each such area.*

	For periods commencing on or after Jan. 1, 1946
Alabama:	
Baldwin	20
Calhoun	30
Colbert	10
Dale	15
Etowah	20
Houston	10
Jefferson	10
Madison	10
Mobile	70
Montgomery	10
Russell	15
Talladega	20
Arizona:	
Apache	20
Cochise	20
Gila	10
Greenlee	70
Maricopa	20
Mohave	60
Navajo	15
Pima	30
Pinal	40
Yuma	50
Arkansas:	
Desha	15
Jefferson	20
Pulaski	15
Saline	20
Sebastian	15
California:	
Alameda	30
Contra Costa	130
El Dorado	10
Fresno	15
Inyo	50
Kern	15
Lassen	20
Los Angeles	20
Madera	15
Marin	20
Modoc	40
Monterey	30
Napa	20
Orange	20
Riverside	30
Sacramento	15
San Benito	10
San Bernardino	20
San Diego	60
San Francisco	20
San Joaquin	20
San Luis Obispo	30
San Mateo	30
Santa Barbara	20
Santa Clara	15
Santa Cruz	10

	For periods commencing on or after Jan. 1, 1946
California—Con.	
Solano	110
Sonoma	10
Stanislaus	15
Ventura	15
Yuba	50
Colorado:	
Arapahoe	15
Denver	10
Dolores	10
El Paso	30
Jefferson	10
Lake	15
Otero	15
Prowers	20
Pueblo	10
Connecticut:	
Fairfield	10
Hartford	10
New London	10
Delaware:	
New Castle	10
Sussex	10
District of Columbia	30
Florida:	
Bay	160
Bradford	70
Brevard	30
Broward	20
Charlotte	20
Clay	30
Dade	20
De Soto	10
Duval	20
Escambia	40
Franklin	70
Gulf	30
Highlands	120
Hillsborough	30
Indian River	10
Lee	60
Leon	30
Monroe	70
Okaloosa	50
Okeechobee	10
Orange	20
Palm Beach	20
Pinellas	15
Polk	10
St. Lucie	30
Sarasota	40
Georgia:	
Bibb	30
Camden	20
Chatham	40
Cobb	20
Dougherty	20
Fulton	10
Glynn	120

	For periods commencing on or after Jan. 1, 1946
Georgia—Con.	
Houston	50
Liberty	30
Lowndes	10
McIntosh	15
Muscogee	60
Peach	10
Richmond	20
Stephens	15
Thomas	20
Whitfield	10
Idaho:	
Ada	15
Bannock	10
Elmore	60
Kootenai	20
Valley	15
Illinois:	
Du Page	10
Lake	30
Madison	10
St. Clair	10
Winnebago	10
Indiana:	
Bartholomew	30
Clark	30
Fayette	10
Floyd	10
Lake	10
Marion	10
Porter	10
St. Joseph	10
Scott	10
Starke	15
Vandenburgh	20
Iowa:	
Des Moines	10
Kansas:	
Barton	15
Douglas	10
Ellis	10
Finney	20
Ford	15
Geary	20
Johnson	30
Pratt	15
Riley	10
Saline	20
Sedgwick	40
Seward	80
Kentucky:	
Christian	10
Hardin	50
Henderson	15
Jefferson	20
Union	30
Louisiana:	
Beauregard	20
Calcasieu	40
East Baton Rouge	30
Jefferson	30
La Salle	15
Orleans	15

	For periods commencing on or after Jan. 1, 1946
Louisiana—Con.	
Rapides	40
St. Bernard	10
St. Mary	10
Vermilion	10
Vernon	50
Maine:	
Cumberland	10
Sagadahoc	15
York	10
Maryland:	
Anne Arundel	15
Baltimore	30
Calvert	10
Cecil	30
Charles	20
City of Baltimore	15
Harford	40
Howard	10
Montgomery	30
Prince Georges	40
St. Mary's	40
Massachusetts:	
Barnstable	15
Michigan:	
Bay	10
Berrien	10
Calhoun	15
Ingham	10
Macomb	30
Midland	10
Monroe	10
Muskegon	15
Oakland	20
Washtenaw	20
Wayne	15
Mississippi:	
Forrest	60
Grenada	15
Harrison	70
Hinds	15
Jackson	100
Lowndes	10
Wilkinson	15
Missouri:	
Clay	15
Newton	20
Phelps	60
Pulaski	20
St. Louis	15
Montana:	
Cascade	10
Nebraska:	
Adams	10
Box Butte	20
Cheyenne	10
Clay	15
Hall	20
Red Willow	15
Sarpy	10
Nevada:	
Churchill	15

	For periods commencing on or after Jan. 1, 1946
Nevada—Con.	
Clark	170
Mineral	190
Nye	120
Washoe	20
New Jersey:	
Gloucester	10
Monmouth	10
Sussex	15
New Mexico:	
Bernalillo	10
Chaves	40
Curry	40
De Baca	70
Eddy	40
Luna	60
Otero	40
New York:	
Nassau	10
Niagara	10
Seneca	50
North Carolina:	
Brunswick	10
Cabarrus	10
Craven	30
Cumberland	40
Durham	10
Gaston	10
Graham	100
Guilford	10
New Hanover	80
Onslow	90
Pasquotank	20
Ohio:	
Allen	15
Clinton	10
Franklin	10
Greene	30
Hamilton	10
Lake	15
Montgomery	20
Portage	10
Stark	10
Summit	10
Warren	10
Oklahoma:	
Cleveland	20
Comanche	40
Oklahoma	15
Tulsa	15
Oregon:	
Benton	20
Clackamas	15
Clatsop	15
Crook	10
Deschutes	10
Jackson	20
Jefferson	20
Lane	10
Linn	15
Multnomah	30
Tillamook	10
Umatilla	15
Washington	15
Pennsylvania:	
Delaware	10
Rhode Island:	
Kent	15
Newport	20
Washington	20
South Carolina:	
Beaufort	15
Charleston	50
Dorchester	15
Greenville	15
Kershaw	15
Richland	20
South Dakota:	
Fall River	20
Minnehaha	10
Pennington	15
Tennessee:	
Anderson	50
Blount	15
Coffee	40
Knox	10
Loudon	15
Montgomery	15
Roane	15

	For periods commencing on or after Jan. 1, 1946
Tennessee—Con.	
Rutherford	15
Shelby	15
Sullivan	20
Texas:	
Bailey	20
Bastrop	30
Bell	50
Bexar	15
Bowie	20
Brazoria	70
Brazos	10
Brewster	20
Brown	50
Cameron	10
Childress	30
Cochran	50
Cooke	15
Cottle	10
Crosby	20
Dallam	70
Dallas	20
Dawson	50
Dickens	10
Ector	20
El Paso	20
Galveston	30
Garza	30
Hale	15
Hansford	10
Harris	20
Hays	15
Hockley	80
Howard	30
Hudspeth	20
Hutchinson	15
Jefferson	30
Kleberg	20
Lamb	20
Loving	50
Lubbock	30
Lynn	80
McLennan	10
Martin	20
Matagorda	20
Maverick	30
Medina	20
Midland	40
Moore	130
Nueces	40
Oldham	15
Orange	180
Palo Pinto	20
Pecos	10
Potter	30
Reeves	50
Tarrant	20
Taylor	30
Terry	30
Tom Green	20
Val Verde	30
Victoria	30
Ward	30
Webb	20
Wichita	10
Utah:	
Carbon	15
Davis	50
Millard	30
Salt Lake	20
Tooele	70
Utah	20
Weber	40
Virginia:	
Arlington	60
Dinwiddie	15
Elizabeth City	60
Fairfax	30
Giles	10
Henry	10
King George	20
Montgomery	20
Norfolk	170
Nottoway	50
Princess Anne	40
Pulaski	10
Richmond	20
Warwick	210
York	40

	For periods commencing on or after Jan. 1, 1946
Virginia—Con.	
Independent Cities:	
Alexandria	80
Bristol	50
Buena Vista	40
Charlottesville	10
Fredericksburg	30
Hampton	50
Hopewell	20
Martinsville	10
Newport News	70
Norfolk	50
Petersburg	15
Portsmouth	30
Radford	30
Richmond	20
South Norfolk	30
Suffolk	20
Williamsburg	210
Washington:	
Benton	130
Clallam	10
Clark	100
Franklin	70
Island	15
Jefferson	10
King	30
Kitsap	120
Mason	10
Okanogan	10
Pierce	20
Spokane	15
Thurston	10
Walla Walla	10
West Virginia:	
Kanawha	20
Mingo	10
Wisconsin:	
Dane	10
Door	20
Monroe	15
Wyoming:	
Laramie	20
Park	30
Sweetwater	10
Territory of Alaska	35
Territory of Hawaii	30
Panama Canal Zone	60

SEC. 5.1 *Forms.* (a) Application for Bee Feeders (OPA Form R–356 (Rev.) referred to in section 1.7.

OPA Form R-356 (Rev. 12-45) — Form Approved Budget Bureau No. 08R1570

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

BEE FEEDER'S SUGAR APPLICATION AND USAGE REPORT

(Pursuant to Third Revised Ration Order 3)

Name of applicant.

Address—Number and street.

City, postal zone number, state.

Telephone number

Do not write in this space—To be filled in by District Office.

(Date application received)

(District office)

(County and state)

☐ Denied. ☐ Approved for ____ pounds.

Reason for denial:

Signature of food rationing representative

____ pounds issued.

Signature of issuing officer

INSTRUCTIONS

A person who needs sugar for feeding bees may make application to his OPA District Office on this form at any time during a calendar year for an allowance of sugar for this purpose.

This form is divided into three parts. Read explanation for each part immediately below before attempting to complete this form.

Part One: Acquisition and usage report: Fill in Part One *only* at the time you make your first application during a calendar year for sugar to feed your bees.

Part Two: Applications for regular allowance: Fill in Part Two as well as *Part One* when making your first application during a calendar year. A maximum allowance of *ten pounds* of sugar per "colony"[1] is provided for feeding bees during a calendar year. You may apply for all or part of this allowance on first application. If you do not need the *full* allowance at the time you make your first application you may apply for the remainder of this sugar allowance *as needed* during the same calendar year. When making such subsequent applications, only fill in Part Two of this form.

Part Three: Application for sugar in addition to regular allowance provided in Part Two: If, after obtaining the full allowance provided in Part Two during a calendar year, you still need sugar to prevent the loss of your bees, fill out Part Three *only* and file this form with your District Office during the *same calendar year* in which you filed your application for the *regular allowance.*

Your application for an *additional allowance* of sugar cannot be processed unless the box under Part Three below bears the signature of a person authorized to sign for your local County Agricultural Adjustment Administration Committee certifying that the additional sugar is needed by you.

[1] Each newly installed package of bees and each queen mating nucleus are considered to be a full "colony."

PART I—ACQUISITION AND USAGE REPORT

(To be filled in only when making first application (part II below) during a calendar year.)

1. State the total amount of sugar you obtained for feeding bees during the previous calendar year: ____ pounds.

2. State the total amount of sugar you used to feed bees during the previous calendar year: ____ pounds.

PART II—FIRST AND SUBSEQUENT APPLICATIONS FOR REGULAR ALLOWANCE

3. Have you previously obtained sugar for feeding bees during the calendar year for which this application is made? ☐ Yes. ☐ No. If "yes," state amount of sugar obtained: ____ pounds.

4. State the amount of sugar you are requesting: ____ pounds.

5. State the number of "colonies" of bees for which the sugar is needed: ____ colonies.

PART III—APPLICATION FOR ADDITIONAL SUGAR

6. Have you obtained the maximum regular allowance (maximum of 10 pounds per colony of bees per calendar year) of sugar provided for bee feeding during the calendar year? ☐ Yes. ☐ No. If "no," do not complete Items 7, 8, 9, and 10; apply again under Part II for the remainder of the regular allowance. If you answer "yes," fill in Items 7, 8, 9, and 10.

7. State amount of sugar needed in addition to the maximum regular allowance: ____ additional pounds.

8. State number of colonies of bees for which the additional sugar is needed: ____ colonies.

9. Do you have any of the sugar on hand which you obtained as a regular allowance provided for in Part II above? ☐ Yes. ☐ No. If "yes," state amount on hand: ____ pounds.

10. Do you need the additional sugar to prevent the loss of your bees? ☐ Yes. ☐ No.

To be filled in by authorized official of local County Agricultural Adjustment Administration Committee.

Date

City

County

State

The additional sugar applied for by

Name of applicant

____ is necessary to prevent the loss of his (or her) bees.

(Signature of member authorized to sign for the committee)

A false certification is a criminal offense.

I certify that the statements herein made are correct and complete to the best of my knowledge and belief.

(Signature of applicant) (Date)

OPA Form R-356 (Rev. 12-45)

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

This is a window insert: Fill in your name and address and return with your application; it will be used to mail your ration to you.

Address to which ration is to be mailed:
(Print or type)

Name

Mailing address

(Number) (Street, R. F. D.)

City, postal zone number, and State

(b) Application by industrial users for adjustment based on population increases (OPA Form R–357) referred to in section 2.3.

OPA Form R-357 (12-45) — Form Approved Budget Bureau No. 08-R1583

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

INDUSTRIAL USER APPLICATION FOR INCREASED ALLOTMENT BASED ON POPULATION INCREASES

(Pursuant to Third Revised Ration Order 3)

Name of registrant.

Principal business address—Number and street.

City, postal zone number, state.

Telephone number

INSTRUCTIONS

You may make application on this form for an increase in your regular sugar allotment provided that during 1941 you made deliveries of products containing sugar to counties which have had an increase in population (as listed in Third Revised Ration Order 3).

Include only final deliveries made directly or by independent carrier.

Do not include deliveries to:

1. Exempt agencies such as Army, Navy, Marine Corps, Coast Guard, etc.

2. Any of your plants or warehouses.

3. Establishments having an exclusive contract to distribute your products. (Include their final delivery points only.)

4. Establishments of a person owning more than 50 percent of the stocks of your corporation, or establishments in which you own more than 50 percent of the stocks. (Final destination only.)

Make this form out in triplicate. Retain a copy in your registration file (OPA Form R-1200) and submit the original and one copy to the OPA Office where your registration is on file. You will not be required to file this application again unless the population schedule included in the sugar ration order is revised. Consult the OPA Office where you are registered for the population schedule.

Col. 1: Enter only those states and counties listed in population schedule in supplement to TRRO 3 to which you delivered products containing sugar during your base year (1941).

Col. 2: Enter the pounds of sugar you used in the products which you delivered in 1941 to each county you listed in Col. 1.

County and State	Pounds used in products delivered in 1941 [1]	Do not write in space within heavy lines—For district office use only		
		Ratio of county use to total base use	Percentage of increase as shown in population schedules of TRRO 3	Percentage of increase in allotments to produce products for delivery to counties listed in Col. (1)
(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)
		Total		

[1] If records are not available, figures in this column may be estimated. If the figures are estimated the basis for the estimated figures must be kept as a record for OPA.

If additional space is needed, attach a supplemental sheet with the above headings.

A false certification is a criminal offense.

I certify that I am the registrant or authorized agent of the registrant, and that the statements herein made are correct and complete to the best of my knowledge and belief.

Sign here ____ Title ____ Date____

(c) Application for the trade for replacement of lost, destroyed, stolen or mutilated stamps and coupons (OPA Form R–358 (Rev.)) referred to in section 6.8.

OPA Form R-358 (Rev. 12-45) — Form Approved Budget Bureau No. 08R1588

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

TRADE APPLICATION FOR REPLACEMENT OF LOST, DESTROYED, STOLEN OR MUTILATED COUPONS AND/OR STAMPS

(Pursuant to Third Revised Ration Order 3)

Name of applicant.

Address—Number and street or rural route.

City, postal zone number, State.

Telephone number

Retailers, wholesalers, industrial users and institutional users may use this form to apply for replacement of both sugar ration stamps and coupons.

NOTE: *A coupon or stamp is considered to be mutilated if less than one-half of it is in the applicant's possession, or if more than one-half of it is in the applicant's possession but the weight value or identifying marks are illegible.

Do not write in space within heavy line—for district office use only.

Date ..... District office .....

☐ Approved for ..... mutilated, ... lost, ... destroyed, and/or ..... stolen coupons and/or stamps.

☐ Denied for ..... mutilated, ... lost, ... destroyed, and/or ..... stolen coupons and/or stamps.

☐ Referred to enforcement.

Amount to be issued: ..... pounds.

Authorized by: ..... Date .....

Amount issued: ..... pounds. Date .....

Signature of issuing officer:

---

1. Check box below which applies to you: ☐ Wholesaler. ☐ Industrial user. ☐ Retailer. ☐ Institutional user.

2. This application is to replace (check): ☐ Coupons (list denomination and quantity) .....
☐ Stamps (list numeral designation and quantity) .....

3. These coupons and/or stamps were (check): ☐ Lost (answer Item 4). ☐ Destroyed (answer Item 5). ☐ Mutilated (answer Item 6). ☐ Stolen (answer Item 7).

4. Lost coupons and/or stamps: a. What efforts have you made to recover the lost coupons and/or stamps?

---

5. Destroyed coupons and/or stamps: a. Described in detail how the ration currency you listed in Item 2 was destroyed:

---

b. Date destroyed (approximately) .....
c. Location of such ration currency when destroyed:

---

6. Mutilated coupons and/or stamps:
(NOTE: Applicants must attach all mutilated coupons to this application.
Applicants applying for replacement of more than one type of currency must segregate currency according to type and attach each type separately to this application).
a. How did the ration currency checked in Item 2 become mutilated? (Explain.)

---

7. Stolen coupons and/or stamps:
(a) Date of theft: (Approximately .....
(b) Location of coupons and/or stamps at time of theft:

(c) Full details surrounding theft: .....
Report the theft to the police and give the following information:
(d) Name and location of police station, or of official, to whom reported: .....
(e) Date reported: .....

8. Have you made a previous application for replacement of sugar ration coupons and/or stamps? ☐ Yes. ☐ No.
(a) If "yes" state approximate date of application.

I certify that all the statements contained in this application are true and complete to the best of my knowledge and belief, and that if the coupons and/or stamps are recovered I will surrender them to the OPA.

Sign here .....
Name of applicant or authorized agent.

Date .....

A false certification is a criminal offense.

After you have filled in this application mail it to the OPA District Office where your registration is on file.

OPA Form R-358
(Rev. 12-45)

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

This is a window insert: Fill in your name and address and return with your application; it will be used to mail your ration to you

Address to which ration is to be mailed:
(Print or type)

OPA File No. .....

Name .....
Mailing address .....
(Number) (Street, R. F. D.)
City, postal zone number, and State .....

(d) Application for consumers for replacement of lost, stolen, destroyed or mutilated ration books and coupons (OPA Form R–194 (Rev.)) referred to in sections 6.8 (c), 7.8 and 7.10.

OPA FORM R-194
(Revised 1-46)

Form Approved
Budget Bureau
No. 08-R-341.2

CONSUMER REPLACEMENT APPLICATION

For Lost, Destroyed, Stolen, Wrongfully Withheld, Or Mutilated Ration Books or Sugar Ration Coupons.

1. Application to replace—
a. (check one)
☐ A war ration book four
☐ A sugar ration book
☐ Sugar ration coupons
(Answer (b) or (c) whichever is appropriate)
b. did the ration book contain the currently valid sugar stamp (check one)
☐ Yes
☐ No
c. if you checked "sugar ration coupons" in (a) what was the total value of the coupon(s)? ..... pounds

2. Ration to be replaced was—
(check one)
☐ Lost (answer Item 3)
☐ Destroyed (answer Item 4)
☐ Stolen (answer Item 5)
☐ Wrongfully withheld (answer Item 6)
☐ Mutilated (answer Item 7)

3. Lost ration book or coupons:
a. if you are applying for the replacement of a lost ration book, you are required to go to the last store at which you know you used it, and to ask if the book is there.
Name of applicant

Address number and street or rural route

City, postal zone number, State

Do not write in space within heavy lines

Date ..... District .....
☐ Approved ☐ Denied ☐ Investigation

Date to be issued .....
Remove current sugar stamp ☐ yes ☐ no

Authorized by .....

Signature of issuing officer date .....

Your check mark in this space certifies that you made this required call. ☐
b. what efforts did you make to recover the ration book or coupons? .....

---

4. Destroyed ration book or coupons:
How was the ration book (or coupons) destroyed?

---

5. Stolen ration-book or coupons:
report the theft to the police and give the following information:
a. name and location of police station or official to whom reported

---

b. date reported

6. Mutilated ration book or coupons:
Attach the mutilated book or coupons to this application. (If any of the ration book stamps are loose or detached, (1) arrange them in sequence, (2) attach them to a separate piece of paper, and (3) turn them in with the application.)
a. how did the mutilation happen?

7. Wrongfully withheld ration books or coupons:
a. give the name and address of the person who is wrongfully withholding the ration book or coupons from you

---

b. reason given by the wrongful withholder for not returning the ration book or coupons to you.

I certify: That all statements I have made in this application are true and complete to the best of my knowledge and belief. That if the original ration book (or coupons) is recovered, I will surrender it (or them) to the Office of Price Administration.

Sign here .....
Name of applicant (Date)

(If signed by agent, print full name and address)

A FALSE CERTIFICATION IS A CRIMINAL OFFENSE

After you have filled in the application, mail it to the OPA District Office (in your State) nearest to the address to which you wish the ration book or coupons mailed

OPA FORM R-194 (stub)
(Revised 1-46)

Do Not Detach

This is a Window Insert
Fill in your name and address:
it will be used to mail your
ration book or coupons to you.

Address to which ration book (or coupons) is to be mailed
(Print or type).

Name .....

Mailing address .....
(Number) (Street, R.F.D.)

City, postal zone, number, and State

(e) Application of retailer or wholesaler for temporary allowable inventories (OPA Form R–362) referred to in section 16.1.

OPA Form No. R-362
(12-45)

Form Approved
Budget Bureau No. 08-R1589

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

APPLICATION FOR TEMPORARY ALLOWABLE INVENTORY OF SUGAR

Name of applicant

Principal business address

City, postal zone number, and State

Business telephone number

Retailer ☐ Wholesaler ☐

INSTRUCTIONS

Check in box above whether you are a retailer or wholesaler. Applicants using this form will be required to submit a report, OPA Form R-362A, after two full months of operation. Fill out this form (R-362) and file it with your district office. OPA Form R-305 must be completely filled out and attached to this application before any action can be taken. This form will be furnished to you by your district office.

---

1. Name of proposed establishment: .....
2. Proposed address: .....
3. Is establishment operating at present time? Yes..... No..... If answer is Yes, give date when operation started:....., 19... If answer is No, give date when operation is to begin:.....19...
4. (Answer this question only if you are a retailer)
Estimate your gross sales of all meats, groceries, fruits, and vegetables for your first week in which sugar will be sold $.....
5. (Answer this question only if you are a wholesaler).
(a) Enter the amount equal to the customary shipping unit in your territory. (2,500 lbs, 5,000 lbs, 10,000 lbs, 40,000 lbs, etc.) ..... lbs.
(b) Estimate sales of sugar for first two weeks in which sugar will be sold..... lbs.
6. If you were formerly in business show former place of business and date of termination:
..... 19...
State what disposition was made at that time with regard to sugar on hand and sugar ration evidences:

---

7. State whether establishment will be opened in near future, or is already in operation, giving license number (if obtained), name of landlord, or other pertinent information.

---

8. Amount of sugar applied for as a temporary allowable inventory ..... lbs.

I CERTIFY that I am the registrant or authorized agent of the registrant, and that the statements herein made are correct and complete to the best of my knowledge and belief.

Sign here ..... Title ..... Date .....

A FALSE CERTIFICATION IS A CRIMINAL OFFENSE

DO NOT WRITE IN THIS BOX—FOR DISTRICT OFFICE USE ONLY

Application denied ☐ Amount authorized ..lbs. ☐
Application granted ☐ Authorized by.....
Issued by ..... Date issued.....
District office.....

Applicant will print or type his full name and complete mailing address

OPA Form R-362
(12-45)

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

This is a Window Insert:
Fill in your name and address and return with your application; it will be used to mail your ration to you.

ADDRESS TO WHICH RATION IS TO BE MAILED:

(Print or Type)

Name _____

Mailing Address _____
(Number) (Street, R. F. D.)

City, postal zone number, and State _____

(f) Report of retailer or wholesaler for temporary allowable inventories (OPA Form R-362A) referred to in section 16.1.

Form No. R-362A
(12-45)

Form Approved
Budget Bureau No. 08-R1590

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

REPORT ON USAGE OF TEMPORARY ALLOWABLE SUGAR INVENTORY

Name of registering unit

_____

Principal business address

_____

City, postal zone number and State

_____

Business telephone number

_____

Retailer ☐ Wholesaler ☐

INSTRUCTIONS

Check in box above whether you are a retailer or wholesaler. This form is to be filled in and returned to your district office within ten days following the first 60 days of actual operation of your new business for which a temporary allowable inventory of sugar was granted in accordance with OPA Form R-362. This report is for the purpose of establishing a permanent allowable inventory.

1. Retailer: Show your average weekly sales (including all meats, groceries, fruits, vegetables, etc.) during first 60 days of operations: $_____
2. Wholesaler: Show the actual sale of sugar in pounds during first 60 days of operations: _____ lbs.
3. Amount of temporary allowable inventory granted on Form R-362 (original application): _____ lbs.

I hereby certify to the Office of Price Administration, an agency of the United States, that I am the applicant or authorized agent of the applicant and that the statements herein made are true.

Name of establishment _____

Signed _____

Title _____

Date _____, 19__

A false certification is a criminal offense

Not to be filled in by applicant—For district office use only

New permanent allowable inventory _____ lbs.

Excess inventory _____ lbs.

Date repaid _____

Amount authorized _____ lbs.

Authorized by _____

Issued by _____

Date issued _____

District office _____

Applicant will print or type his full name and complete mailing address

Name _____

Address _____
(number) (street, RFD, or general delivery)

City, postal zone, State _____

(g) Application for prerationing investment (OPA Form R-365) referred to in section 17.3.

OPA FORM R-365
(11-45)

Form Approved
Budget Bureau No. 08-R1551

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

ADJUSTMENT APPLICATION FOR CERTAIN MANUFACTURERS USING SUGAR-CONTAINING PRODUCTS

(Pursuant to Third Revised Ration Order 3)

Name of Establishment

_____

Address—Number and street

_____

City and State

_____

Name of owner

_____

If registered industrial user, give district office where registered

_____

This form is for use by any manufacturer who, instead of or in addition to using sugar as an ingredient in producing a particular class of finished product, used sugar-containing products, during the base period, provided his use of sugar-containing products was unrepresentative during that period for one of the following reasons:

(*Check applicable box or boxes*)

1. ☐ Fire, flood, strike or similar catastrophe or other circumstance affected his operation during the period from January 1, 1941 to January 1, 1942, and caused his use of such sugar-containing product durng that year to be less than it would otherwise have been.
2. ☐ He i nvested before April 20, 1942, in productive equipment (or facilities) for the use of sugar-containing products which had not been installed in his plant available for use until after January 1, 1941 with the result that he used less sugar-containing products during 1941 than he otherwise would have used.

This form may not be used by an industrial user to apply for an adjustment because of unrepresentative base use of sugar resulting from either one or both of the circumstances listed above. The deadline date for such sugar base adjustment applications was December 14, 1944.

EXPLANATION OF TERMS

Sugar-containing products: Examples of such products are baking mix, syrup, fondant and chocolate coating which are purchased by many manufacturers and used in producing baked goods, soft drinks, candy and other finished products.

Base period: This means the year 1941 for manufacturers who were in operation *throughout* that year, or the period from the date of commencement of operations through April 27, 1942 for those manufacturers who commenced operations after January 1, 1941.

Class of finished product: This term as used in this form has reference to the products produced *within* a specific class of product (or use) as listed in Schedule I of the R-1200 Registration of Industrial Users and as stated in the industrial user section of Third Revised Ration Order 3.

Type of finished product: This term as used in this form, has reference to individual products within a class of products. Examples of types of products are bread, rolls, cake and pie within the "bakery" class; hard candy, marshmallows and creams within the "candy" class; ice cream and sherbet within the "ice cream" class.

Operations: The term "operations", as well as "business", "establishment", and "production" wherever used in this form have reference to the operation in which you use "sugar-containing products" to produce the "class of finished product" covered by this form.

Eligible period: This term as used in this form has reference to the period January 1, 1941 to April 20, 1942. Equipment ordered, acquired or installed during this period may be considered as an investment made in productive equipment during the eligible period.

NOTE: Your application must be complete in every detail and filed with your District Office not later than February 28, 1946. If you have previously furnished part of the required information in connection with a previous petition, it need not be submitted again.

To Be Filled In By District Office

Date complete application received

INSTRUCTIONS

Where to File Applications: File your application (original only) with the District Office serving the area in which your establishment is located. If you have more than one establishment and wish to register them together, file your application with the District Office serving the area in which your principal business office is located. If you do not wish to register them together, file a separate application for each at the District Office serving the area in which each establishment is located. In case of a multiple operation, separate applications should be filed for each operation regardless of manner of registration of establishments.

If you are a registered industrial user, file this application with the District Office where your registration (OPA Form R-1200) is on file. If you have multiple establishments registered together or registered separately your application must be filed with the OPA Office or offices with which you are registered.

Use of sugar-containing products in the production of more than one class of finished product: Fill out a separate application for each "class of finished product" produced at your establishment for which you are applying for an adjustment or assignment of a sugar base. For example, if you produce both candy and ice cream, you must file a separate application for your candy operation and a separate application for your ice cream operation.

Filling Out Form: The information required by this form is divided into five parts. Before attempting to complete this form, read the information immediately below pertaining to Part I, Part II, Part III, Part IV and Part V.

Part I (General): All applicants must furnish the information required by Part I, Questions 1 through 6.

Part II: All manufacturers who checked Item 1 on the first page of this form must furnish the information required by Part II, Questions 7 and 8.

Part III: *Bottlers* who checked Item 2 on the first page of this form are to furnish the information required by Part III, Questions 9 through 14.

Part IV: *Doughnut Manufacturers* who checked Item 2 on the first page of this form are to furnish the information required by Part IV, Questions 15 through 19.

Part V: *Manufacturers* (other than Bottlers and Doughnut Manufacturers) who checked Item 2 on the first page of this form are to furnish the information required by Part V, Questions 20 through 26.

PART I (GENERAL)

1. If you are not a registered industrial user of sugar, state the total annual sugar "base" that you are requesting to produce the class of finished product covered by this application: _____ pounds. (Note: The "Base" is not the amount of sugar you will receive if your application is approved. It is the figure from which your allotments will be computed, as explained in the Sugar Rationing Regulations.)

2. If you are a registered industrial user of sugar, answer (a), (b) and (c).

(a) State the registered sugar base for the class of products covered by this application: _____ pounds.

(b) State adjustment requested for such class of products: _____ pounds.

(c) As a registered industrial user, have you received an adjustment in your original sugar base? ☐ Yes. ☐ No. If "yes" give details (date granted, amount, and reason) _____

_____

_____

3. State class or classes of manufacturing operations you are engaged in. (Example: Bakery, Bottling, Candy manufacturing, etc.) _____

(a) If you are engaged in more than one class of manufacturing operation, state which class is covered by this application: _____

(b) Were you operating the business specified in (a) above prior to 1941? ☐ Yes. ☐ No. If not, state date you commenced such operation _____

(c) Has the manufacturing operation specified in (a) been operated continuously since 1941? ☐ Yes. ☐ No. If not, state *reason* for discontinuance, dates of discontinuance, and any other pertinent details _____

4. Check appropriate type of business organization applicable to your manufacturing operations as of April 20, 1942: ☐ Corporation. ☐ Partnership. ☐ Proprietorship. ☐ Other (Specify) _____

(a) Has there been any change in the type of business organization indicated by you above or its ownership since April 20, 1942? ☐ Yes. ☐ No. If "yes" follow the instructions in the NOTE below:

NOTE: Furnish the information in (1), (2) or (3), whichever is applicable, on a separate sheet identified as "Item 4 (a)". (If you are filing applications with respect to more than one class of products, this information need be furnished only once.)

(1) If you checked "*Proprietorship*" in Item 4, list name of owner. If this individual *proprietorship* was subsequently changed to a partnership or a corporation, or was transferred to another individual proprietorship, partnership or corporation, *set forth the facts in full.* In the case of a *proprietorship* state name of owner; if *partnership* state names of partners; if *corporation* state title of corporation. State the full particulars for each change, and list dates of each change.

(2) If you checked "*partnership*" in Item 4 list names of partners. If there has been a change in the interest of any of the partners, state date of change, names of persons concerned and extent of interest of each before and after the change. If type of business organization changed to an individual *proprietorship* follow instructions in (1).

(3) If you checked "*corporation*" in Item 4, state title of the corporation. If the corporation was subsequently dissolved, the business being transferred to one or more of the stockholders, explain fully. Or, if the corporation transferred the business to another corporation, partnership or individual follow the instructions in (1).

5. State sugar-containing products used by you during the "base period", on which you are basing this application. (Example: cake mix, beverage syrup, ice cream mix, etc. *Do not include* jams, jellies, preserves, and marmalades, condensed milk, canned and frozen fruits,

canned meat and fish, and other items made with sugar granted on a provisional allowance basis.)_____.

NOTE: Attach letters from the manufacturers of the above sugar-containing products showing the percentage which the weight of the sugar used is of the weight of the sugar-containing products which they shipped you during the period between January 1, 1941 and April 27, 1942. Identify each letter by marking each "Item 5".

6. As of April 20, 1942, what percentage of your production was institutional (merchandise produced and sold on your premises): _____%.

PART II

All manufacturers who checked Item 1 on the first page of this form must answer questions 7 and 8 in addition to all the questions in part I.

(NOTE: To substantiate your statements in Items 7 (a) and (b) below, attach corroborative evidence identified as "Items7 (a) and 7 (b)." This may be in the form of a letter from some recognized authority having knowledge of the catastrophe which affected your plant operation.)

7. (a) State nature of catastrophe which caused cessation or reduction of your manufacturing operation during base period _____.

(b) State period of time that your operation was affected by the circumstance specified in (a) above. Dates: _____.

(NOTE: In furnishing the data required by Item 8 below, you may give your best estimate of pounds of sugar-containing products used if exact data are not available. However, you must retain in your files for OPA inspection the basis for your estimated figures.)

8. Enter in the table below each sugar-containing product and the number of pounds of each such product you used in production during the periods specified in (a), (b), (c) and (d).

Sugar containing product ⟶					
	Lb.	*Lb.*	*Lb.*	*Lb.*	*Lb.*
(a) Use during month(s) affected					
(b) Use during balance of 1941					
(c) Use during month(s) in 1940 which correspond to period in (a)					
(d) Use during month(s) of 1940 which correspond to period in (b)					

PART III (BOTTLERS)

BOTTLERS WHO CHECKED ITEM 2 ON THE FIRST PAGE OF THIS FORM MUST ANSWER QUESTIONS 9 THROUGH 14 IN ADDITION TO ALL THE QUESTIONS IN PART I

9. Report each piece of major productive equipment used in actual production of finished products in your plant as of January 1, 1941 and each piece of major productive equipment ordered, acquired or installed after that date but prior to April 20, 1942.

Col. 1: Only washers and fillers need be listed.

Col. 2: Self-explanatory.

Cols. 3, 4 and 5: For equipment which was in production in your plant as of January 1, 1941, write the notation "in use as of 1/1/41" across these three columns. For equipment ordered, acquired or installed after January 1, 1941, but prior to April 20, 1942, enter the dates ordered, acquired and installed in the appropriate columns.

Col. 6: Enter a check mark in this column opposite each piece of equipment you listed in column 1 which has been disposed of.

(1) Type of equipment	(2) Name, size and model	(3) Date ordered	(4) Date acquired	(5) Date installed	(6) Equipment disposed of (check)

(Attach separate sheet if necessary, using above columnar headings, and identify as "Item 9—Bottlers").

NOTE: Attach original invoices or photostatic copies thereof to substantiate acquisition of equipment which was ordered, acquired, or installed during the "eligible period" and in production as of April 20, 1942. Invoices dated after April 20, 1942 must be accompanied by original order or photostatic copy thereof.

Invoices dated prior to January 1, 1941, must be accompanied by written evidence from supplier showing date when equipment was delivered or installed.

Identify all attachments by marking each "Item 9."

10. Do you still own and intend to operate all the equipment listed in Item 9 (other than that checked in Col. 6)? ☐ Yes. ☐ No. If not, explain fully:

_____

11. Enter in the table below your production of all bottled beverages (including beverages containing no sugar, such as "soda"), by bottle size, during a representative period. (This period should be the month of April 1942, if data are available for that period. If not, a recent month of operation may be used.) Representative month_____

Bottle size	No. of cases

12. State the total number of pounds of each of the following items you used during the representative month indicated in Item 11. (If your records show your use of syrups in terms of gallons, ascertain from your supplier the weight per gallon in order to determine total pounds used.)

	Pounds
Rationed type sugar (sucrose)	
Corn sugar, corn syrup, molasses and honey	
Sugar-containing products (list below each type of sugar-containing product and number of pounds used)	

NOTE: If you started in business during the "eligible period", answer questions 13 and 14 in addition to questions 1 through 6 and questions 9 through 12.

13. When did you start using sugar-containing products in your manufacturing operations? Date: _____

14. Enter in the table below each sugar-containing product and the number of pounds of each such product used during that part of the year 1941 in which you were in operation. (If exact data are not available, you may give your best estimate. However, you must retain in your files for OPA inspection the basis for your estimates.)

Sugar-containing product ⟶					
	Lb.	*Lb.*	*Lb.*	*Lb.*	*Lb.*
Use during 1941					

PART IV (DOUGHNUT MANUFACTURERS)

DOUGHNUT MANUFACTURERS WHO CHECKED ITEM 2 ON THE FIRST PAGE OF THIS FORM MUST ANSWER QUESTIONS 15 THROUGH 19 AS WELL AS ALL OF THE QUESTIONS IN PART I.

15. Enter in the table below each piece of productive equipment used in actual production of doughnuts in your plant as of January 1, 1941 and each piece of productive equipment ordered, acquired or installed after that date but prior to April 20, 1942.

Col. 1: Only kettles and fryers need be listed.

Col. 2: Enter the make, model and serial number of fryers and the size (diameter) of kettles.

Cols. 3, 4, and 5: For equipment which was in production in your plant as of January 1, 1941 write the notation "in use as of 1/1/41" across these three columns. For equipment ordered, acquired or installed after January 1, 1941 but prior to April 20, 1942, enter the dates ordered, acquired and installed in the appropriate columns.

Col. 6: Enter productive capacity of each kettle or fryer in dozens of doughnuts per hour.

Col. 7: Enter a check mark in this column opposite each kettle or fryer you listed in column 1 which has been disposed of.

(1) Type of equipment (kettles or fryers)	(2) Description of equipment (see instruction above)	(3) Date ordered	(4) Date acquired	(5) Date installed	(6) Capacity	(7) Equipment disposed of (check)

(Attach a separate sheet, if necessary, and identify as "Item 15—Doughnut Manufacturers").

16. Do you still own and intend to operate all the equipment listed in Item 15 (other than that disposed of as indicated in Column 7)? ☐ Yes. ☐ No. If not, explain fully: _____

_____

17. State your total production in dozens of doughnuts during a representative period. (This period should be the month of April 1942, if data are available for that period. If not, a recent month of operation may be used.) Representative month _____

Dozens _____

(a) Give total number of pounds of each of the following items used duringthe month selected:

	pounds
Rationed type sugar (sucrose)	
Sugar-containing products (list below each type of mix (or sugar-containing product) and number of pounds of each used):	

(NOTE: If additional space is needed for listing sugar-containing products attach a separate sheet identified as "Item 17 (a)".)

(b) Give total number of hours spent in producing doughnuts during the month selected: _____ hours.

NOTE: If you started your doughnut operations during the "eligible period", answer questions 18 and 19, in addition to questions 1 through 6 and 15 through 17.

18. When did you start using sugar-containing products in your doughnut operation? Date: _____

19. Enter in the table below each sugar-containing product and the number of pounds of each such product used in your doughnut operations during that part of the year 1941 in which you were in operation. (If exact data are not available you may give your best estimate. However, you must retain in your files for OPA inspection the basis for your estimates.)

Sugar-containing product ⟶					
	Lb.	*Lb.*	*Lb.*	*Lb.*	*Lb.*
Use during 1941					

PART V

MANUFACTURERS (OTHER THAN BOTTLERS AND DOUGHNUT MANUFACTURERS) WHO CHECKED ITEM 2 ON THE FIRST PAGE OF THIS FORM MUST ANSWER QUESTIONS 20 THROUGH 26 IN ADDITION TO QUESTIONS IN PART I.

20. Report the productive capacity of your plant as of January 1, 1941 and as of April 20, 1942 in pounds per hour of each type of finished product produced by you as of such dates, as called for in the table below. (Example: Assuming that your oven and other equipment are used for manufacturing bread, rolls and sweet goods the capacity would be determined as follows:

(1) Compute in pounds the maximum amount of bread that you could produce per hour using all the equipment normally used by you for the production of bread.

(2) Make similar computations for rolls and sweet goods.

(3) List separately the results obtained in (1) and (2) as your capacity for the production of bread, rolls and sweet goods.

Col. 1: See Example above.

Col. 2 (a): Do not fill in this column unless you were in business before January 1, 1941.

Col. 2 (b): State productive capacity per hour based on equipment in use April 20, 1942 and include equipment ordered prior to April 20, 1942 but not installed until after that date.

(1) Type of finished product	(2) Plant capacity per hour as of—	
	Jan. 1, 1941 (a)	Apr. 20, 1942 (b)

(Attach a separate sheet if necessary, using above columnar headings, and identify as "Item 20".)

21. Report each piece of major productive equipment used in actual production of finished products in your plant as of January 1, 1941 and each piece of major productive equipment ordered, acquired or installed after that date but prior to April 20, 1942.

Col. 1: List each piece of major equipment as indicated above. Since it will be necessary to show the capacity in pounds per hour of each piece of equipment when producing each type of finished product, the data for one piece of equipment should be completed for all columns, using as many lines as there are types of finished product, before proceeding to the next piece of equipment.

Col. 2: Enter a description of each piece of equipment listed in Col. 1, as for example, "*(Make) 15 Tray*" oven, "*(Make) 6 pocket*" dough divider, "*(Make) 5 bbl. high-speed*" mixer, or "40 quart" cake mixer.

Cols. 3, 4 and 5: For equipment which was in production in your plant as of January 1, 1941 write the notation "in use as of 1/1/41" across these three columns. For equipment ordered, acquired or installed after January 1, 1941 but prior to April 20, 1942, enter the dates ordered, acquired and installed in the appropriate columns.

Col. 6: Enter the capacity in number of pounds of finished products per hour for each type of finished product for which the particular piece of equipment was used.

Col. 7: List the types of finished products for which you listed capacity data in column 6.

Col. 8: Enter a check mark in this column opposite each piece of equipment you listed in column 1 which has been disposed of.

(1) Type of equipment	(2) Description of equipment	(3) Date ordered	(4) Date acquired	(5) Date installed	(6) Capacity in lbs. per hr.	(7) Type of finished product	(8) Equipment disposed of (check)

(Attach separate sheet if necessary, using above columnar headings, and identify sheet as "item 21".)

NOTE: Attach original invoices or photostatic copies thereof to substantiate purchase or acquisition of equipment which was ordered, acquired or installed during the "eligible period" and in production as of April 20, 1942. Invoices dated after April 20, 1942, must be accompanied by original order or photostatic copy thereof. Attach letters from suppliers of all equipment acquired indicating capacity of each piece of equipment when used to produce the types of products for which the equipment was used during the representative month reported in Items 23 and 24. If the capacity which you reported in the table in Item 21 disagrees with the capacity reported by the supplier of the equipment, attach a further statement explaining the difference.

Invoices dated prior to January 1, 1941 must be accompanied by written evidence from supplier showing date when equipment was first delivered or installed.

(Identify all attachments by marking each "Item 21".)

(a) [1] Submit separate "Flow Sheets" as of January 1, 1941 and as of April 20, 1942. The Flow Sheet may be a rough sketch and should cover the following: (1) Class of finished product (e. g. bread, rolls, cake, hard candy, creams, marshmallows, ice cream, sherbet, etc.); (2) major equipment used in producing such product; show equipment in sequence of use; (3) Capacity in pounds per hour of each piece of equipment when handling each type of product; (4) The "Flow Sheet" of April 20, 1942, should include equipment ordered prior to but not installed until after that date.

[1] If you were not in business prior to January 1, 1941, only submit a "Flow Sheet" as of April 20, 1942.

Examples: Capacity per hour as of January 1, 1941, for each type of product produced:

	☐ Mixer	☐ Divider	☐ Rounder	☐ Moulder	☐ Make-up table	☐ Oven
Bread	1000	1200	1200	1200		800
Sweet goods	1000	1800	1800		1050	550

Capacity per hour as of April 20, 1942 for each type of product produced:

	☐ Mixer	☐ Divider	☐ Rounder	☐ Moulder	☐ Make-up table	☐ Oven
Bread	1000	1200	1200	1200		1600
Sweet goods	1000	1800	1800		1050	1100

22. Do you still own and intend to operate all the equipment listed for Item 21 (other than that checked in Col. 8)? ☐Yes. ☐No. If not, explain fully:.....

23. State your total production in pounds during a representative period. (This period should be the month of April 1942, if data are available for that period. If not, a recent month of operation may be used.) Representative month ..... Pounds .....

24. State the total number of pounds of each of the following items you used during the representative month indicated in Item 23.

	Pounds
Rationed type sugar (sucrose)	
Corn sugar, corn syrup, molasses and honey	
Sugar-containing products (List below each type of sugar-containing product and number of pounds used.)	

NOTE: If additional space is needed for listing sugar-containing products, attach a separate sheet and identify as "Item 24—Sugar-containing Products.")

NOTE: If you are an industrial user who started in business between January 1, 1941 and April 20, 1942, answer questions 25 and 26 in addition to questions 1 through 6 and questions 20 through 24.

25. When did you start using sugar-containing products in your manufacturing operations? Date: .....

26. Enter in the table below each sugar-containing product and the number of pounds of each such product used during that part of the year 1941 in which you were in operation. (If exact data are not available you may give your best estimate. However, you must retain in your files for OPA inspection the basis for your estimates.)

Sugar-containing product→					
Use during 1941	*Lb.*	*Lb.*	*Lb.*	*Lb.*	*Lb.*

I certify that the above statements are true and correct to the best of my knowledge and belief.

Sign here ....
(Name of applicant) (Date)

A willfully false certification is a criminal offense.

(h) Application for industrial users for provisional allowances (OPA Form R-359) referred to in sections 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.9 and 19.10.

OPA Form R-359 (12-45)

Form Approved Budget Bureau No. 08-R1582

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

INDUSTRIAL USER'S APPLICATION FOR QUARTERLY PROVISIONAL ALLOWANCE

(Pursuant to Third Revised Ration Order 3)

INSTRUCTIONS

Who may use this form: If you are registered as an industrial user of sugar on OPA From R-1200, you may use this form to apply for a quarterly provisional allowance of sugar to produce the classes of products listed in Schedules I and II.

Where and when this application should be filed: You may apply on this form to the OPA Office where your industrial user registration is on file any time from 15 days before to the end of the quarterly period corresponding to the industrial user allotment period.

Name of industrial user.
.....

Principal business address—number and street.
.....

City, postal zone number, and State.
.....

Business telephone number.
.....

Application for ..... quarter of 194.....

Do not write in space within heavy lines—For district office use only.

Date. District Office.

☐ Approved ☐ Denied

Amount to be issued.

Authorized by.

Date issued.

Signature of issuing officer.

SCHEDULE I—FROZEN FRUITS

Col. (1) Frozen fruit	Col. (2) Fresh fruit to be packed in containers over 10 lbs. each (pounds)	Col. (3) Fresh fruit to be packed in containers of 10 lbs. or less each (pounds)	Col. (4) Unused sugar from last provisional allowance for each fruit (pounds)	Col. (5) Do not write in this column
Apples and crabapples				
Applesauce				
Apricots				
Blackberries				
Boysenberries				
Cherries				
Citrus segments				
Loganberries				
Nectarines				
Mixed fruit (fruit cocktail and fruit for salad)				
Peaches				
Pineapples				
Plums, red meat only				
Raspberries—black				
Raspberries—red				
Strawberries				

SCHEDULE II—PRODUCTS OTHER THAN FROZEN FRUITS

NOTE: Enter in Col. 2 the number of units (pounds, gallons, cases or cans, whichever is applicable) separately for each product you expect to process. *Example:* You expect to process 500 pounds of dry sausage; thus, you will enter the numeral "5" in Col. 2 opposite *dry sausage*. (Convert units specified for items 5, 6, 7, and 8 by using conversion tables in regulations.)

Col. (1) Classes of products	Col. (2) Number of units you expect to process	Col. (3) Unused sugar from last provisional allowance for each product (pounds)	Col. (4) Do not write in this Column
1. Fish (Cured, processed or packaged. State in units of 100 lbs. unprocessed)			
Shellfish (Cured, processed or packaged. State in units of 100 lbs. unprocessed)			
Poultry products (Cured, processed or packaged. State in units of 100 lbs. unprocessed)			
2. Meat (Cured, processed or packaged. State in units of 100 lbs. unprocessed for each kind of meat):			
Pork products, dry cured			
Pork products, sweet pickled			
Beef, dried and corned and beef tongues			
Canned luncheon meats and canned spiced ham			
Dry sausage			
Fresh sausage and baked loaves			
Lamb tongue and lunch tongue			
Mutton			
3. Cooked beans (Canned, frozen, bottled or dehydrated. State in units of 100 lbs. of each type of dried beans):			
White (excluding lima varieties)			
Colored (excluding red kidneys)			
Red Kidneys			
Lima varieties			
4. Canned and bottled fruit juices (State in gallons for each kind of fruit juice and list each product separately):			
5. Canned or bottled soup (State in cases of 24 No. 2 cans for each kind and list each product separately):			
6. Tomato catsup and chili sauce (State in cases of 6 No. 10 cans):			
7. Canned and bottled vegetables (State in units of 24 No. 2 cans):			
Carrots and peas			
Corn—cream style			
Corn—whole kernel			
Corn—vacuum pack			
Peas			
Succotash			
Sweetpotatoes (syrup type only)			
8. Canned and bottled fruit (State in cases of 24 No. 2½ cans):			
Apples			
Applesauce			
Apricots			
Berries			
Blackberries			
Raspberries—black			
Raspberries—red			
Strawberries			
Other berries			
Cherries (sweet)			
Citrus segments			
Cranberries			
Figs			
Fruit cocktail			
Peaches (cling)			
(Freestone)			
Pears			
Plums			
Prunes			

I certify that I am the registrant or authorized agent of the registrant, and that the statements herein made are correct and complete to the best of my knowledge and belief.

Sign here_____ title_____ Date_____

A false certification is a criminal offense.

(i) Monthly report of provisional user (OPA Form R–359A) referred to in sections 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 19.7, 19.9 and 19.10.

OPA Form R-359A (12-45) — Form Approved Budget Bureau No. 08–R1596

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
INDUSTRIAL USER'S MONTHLY USAGE REPORT

(Pursuant to Third Revised Ration Order 3)

Name of industrial user:

_____

Principal business address—number and street.

_____

City, postal zone number, and state.

_____

Business telephone number.

_____

Report for month of_____, 194____:

INSTRUCTIONS

You are required to file this report with your OPA District Office before the 16th day of each month following the month in which you had sugar which you obtained as a provisional allowance by application on Form R–359.

Fill in the applicable Schedule(s) below:

SCHEDULE I—FROZEN FRUITS

Col. (1) Frozen fruit	Col. (2) Fresh fruit packed in containers over 10 lb. each (pounds)	Col. (3) Sugar used for each fruit in Col. 2 (pounds)	Col. (4) Fresh fruit packed in containers of 10 lbs. or less each (pounds)	Col. (5) Sugar used for each fruit in Col. 4 (pounds)	Col. (6) Unused provisional allowance sugar for each product at end of month reported (pounds)	Col. (7) Do not write in this column
Apples and crabapples						
Applesauce						
Apricots						
Blackberries						
Boysenberries						
Cherries						
Citrus Segments						
Loganberries						
Nectarines						
Mixed fruit (fruit cocktail and fruit for salad)						
Peaches						
Pineapples						
Plums, red meat only						
Raspberries—Black						
Raspberries—Red						
Strawberries						

SCHEDULE II—PRODUCTS OTHER THAN FROZEN FRUITS

NOTE: Enter in Col. 2 the number of units (pounds, gallons, cases or cans, whichever is applicable) separately for each product you processed. *Example:* You processed 500 pounds of dry sausage; thus, you will enter the numeral "5" in Col. 2 opposite dry sausage. (Convert units specified for items 5, 6, 7, and 8 by using conversion tables in regulations.)

Col. (1) Classes of products	Col. (2) Number of units you processed during month reported	Col. (3) Sugar used for each product (pounds)	Col. (4) Unused provisional allowance sugar for each product at end of month reported (pounds)	Col. (5) Do not write in this column
1. Fish (Cured, processed, or packaged. State in units of 100 lbs. unprocessed):				
Shellfish (Cured, processed, or packaged. State in units of 100 lbs. unprocessed)				
Poultry products (Cured, processed, or packaged. State in units of 100 lbs. unprocessed)				

Col. (1) Classes of products	Col. (2) Number of units you processed during month reported	Col. (3) Sugar used for each product (pounds)	Col. (4) Unused provisional allowance sugar for each product at end of month reported (pounds)	Col. (5) Do not write in this column
2. Meat (Cured, processed, or packaged. State in units of 100 lbs. unprocessed for each kind of meat):				
Pork products, dry cured				
Pork products, sweet pickled				
Beef, dried and corned and beef tongues				
Canned luncheon meats and canned spiced ham				
Dry sausage				
Fresh sausage and baked loaves				
Lamb tongue and lunch tongue				
Mutton				
3. Cooked beans (Canned, frozen, bottled or dehydrated. State in units of 100 lbs. of each type of dried beans):				
White (excluding lima varieties)				
Colored (excluding red kidneys)				
Red kidneys				
Lima varieties				
4. Canned and bottled fruit juices (State in gals. for each kind of fruit juice and list each product separately):				
5. Canned or bottled soups (State in cases of 24 No. 2 cans for each kind and list each product separately):				
6. Tomato catsup and chili sauce (State in cases of 6 No. 10 cans):				
7. Canned and bottled vegetables (State in cases of 24 No. 2 cans):				
Carrots and peas				
Corn—cream style				
Corn—whole kernel				
Corn—vacuum pack				
Peas				
Succotash				
Sweetpotatoes (syrup type only)				
8. Canned and bottled fruit (State in cases of 24 No. 2½ cans):				
Apples				
Applesauce				
Apricots				
Berries:				
Blackberries				
Raspberries—black				
Raspberries—red				
Strawberries				
Other berries				
Cherries (sweet)				
Citrus segments				
Cranberries				
Figs				
Fruit cocktail				
Peaches (cling)				
(Freestone)				
Pears				
Plums				
Prunes				

I certify that I am the registrant or authorized agent of the registrant, and that the statements herein made are correct and complete to the best of my knowledge and belief.

Sign here ..... Title ..... Date.....

A false certification is a criminal offense.

This supplement shall become effective January 1, 1946.

NOTE: All reporting and record-keeping requirements of this Supplement have been approved by the Bureau of the Budget.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23250; Filed, Dec. 29, 1945; 4:47 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 12, Revocation]

WAR RATION BOOK 3

Subject to section 5.1 of General Ration Order 8, General Ration Order 12 (War Ration Book 3) is revoked.

This order of revocation shall become effective January 1, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23244; Filed, Dec. 29, 1945; 4:50 p. m.]

PART 1305—ADMINISTRATION

[Rev. SO 113,[1] Amdt. 2]

MANUFACTURERS' MAXIMUM AVERAGE PRICE FOR WOOL CIVILIAN APPAREL FABRICS

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

Revised Supplementary Order No. 113 is amended in the following respects:

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

[1] 10 F.R. 9265.

(d) *Election and change of election.* A manufacturer's election of the class or category basis (and of the categories he desires to use, if he elects the latter basis) shall be indicated in his "new base period report" (see paragraph (a) of section 14) or in the "application by other manufacturers" (see paragraph (a) of section 8), whichever is applicable. That election shall become final December 31, 1945 unless on or before that date the manufacturer shall have filed a new election (together with an appropriately changed "new base period report" or "application by other manufacturers", whichever is applicable, reflecting his new election) with the Office of Price Administration, Washington 25, D. C. A new election may become effective only as of the beginning of the third or fourth quarters of 1945 or the first quarter of 1946. No new election shall become effective for the third quarter unless it is filed on or before September 10, 1945.

2. Section 8 (f) is amended to read as follows:

(f) In the case of a manufacturer who prior to July 1, 1945 made no deliveries of fabrics subject to this order, 20 days after his application for a maximum average price has been filed the maximum average price requested by him shall be deemed to have the Administrator's approval as a temporary maximum average price unless prior to that time the Administrator has disapproved the requested price or approved another or, through the head of the wool section, has made a written request for omitted information or informed the applicant in writing that action on his application will require more than 20 days. A maximum average price established in the foregoing manner shall continue in effect until a maximum average price has been authorized by an order of the Administrator. This temporary maximum average price may not be used to determine whether the manufacturer has earned a credit. A manufacturer will earn a credit only if his weighted average price is less than the maximum average price established for him by order of the Administrator.

3. Section 8 (g) (1) is amended to read as follows:

(1) A manufacturer who has no base year but who made deliveries during both the third and fourth quarters of 1944 shall, pending action on his application for his maximum average price (or prices), treat the 12-month period July 1944 through June 1945 as though it were his base year for a class or category [2] and shall determine his maximum average price (or prices) for that class or category as though he were subject to paragraphs (b), (c), (d), (e), (f) and/or (h) of section 7.[3]

4. Section 8 (g) (2) is amended to read as follows:

[2] The categories are those elected by the applicant in the manner provided in section 6 (c) (2).

[3] This manufacturer, who will have filed an application pursuant to this section, need not file any base period report called for by section 14 (a).

(2) A manufacturer who has no base year and who did not during both the third and fourth quarters of 1944 make deliveries of fabrics in a class or category [2] but who made deliveries of fabrics in that class or category prior to July 1, 1945 (in lieu of observing a maximum average price until one has been established for him by order of the Administrator) shall sell no fabric in that class or category at a price higher than the highest price at which any fabric in that class or category was delivered by him during the last quarter prior to July 1, 1945 in which he delivered such fabric.

5. Section 8 (g) is amended by adding immediately after subparagraph (2) thereof, the following subparagraph (3):

(3) A manufacturer who has a base year for a class and did not during 1944 make deliveries in a category of that class but who made deliveries in that category prior to July 1, 1945 (in lieu of observing a maximum average price for that category until one has been established for him by order of the Administrator) shall sell no fabric in that category, if he chooses to operate on a category basis, at a price higher than the highest price at which any fabric in that category was delivered by him during the last quarter prior to July 1, 1945 in which he delivered such fabrics.

6. Section 10 (a) (2) is amended to read as follows:

(2) That his production within a class or category during 1944 was not representative due to the preemption by military work of certain machinery

(i) Which either (*a*) could make only a certain type of fabric or (*b*) is required for the production of fabrics of a type which were made on that machinery in the last year in which it was used exclusively for civilian production, and

(ii) That such machinery is presently available.

This amendment shall become effective as of July 1, 1945.

NOTE: The reporting requirements of this Amendment 2 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-23206; Filed, Dec. 29, 1945; 3:06 p. m.]

PART 1340—FUEL

[RMPR 122, Amdt. 40]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

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

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. Section 1340.254 (e) is added to read as follows:

(e) Notwithstanding anything to the contrary contained in this regulation, for the period to and including April 30, 1946, the maximum prices for all delivered sales of solid fuels to persons other than resellers, established in the manner set forth below, may be increased by an amount not exceeding 10 cents per net ton.

(1) All such prices established under the pricing rules of § 1340.254 (b), with the exception of a Rule 3 or Rule 4 price determined or established subsequent to January 2, 1946.

(2) All such prices established under § 1340.256.

(3) All such prices established by any order of adjustment issued under § 1340.259 (a), by the Price Administrator or any Regional Administrator, except that if any such order is subsequently revised or amended to reflect the 10-cent per net ton increase specified herein, this subparagraph (3) shall not apply to such revised or amended order.

2. Section 1340.260 is amended by adding thereto an undesignated paragraph to read as follows:

Each Regional Administrator is authorized and directed to amend all orders issued by him under this section, prior to January 2, 1946, so as to increase the maximum prices established by said orders for all delivered sales of solid fuels to persons other than resellers by the sum of 10 cents per net ton for the period to and including April 30, 1946.

3. Section 1340.266 (a) (11) is added to read as follows:

(11) "Delivered sale" means a sale in which the solid fuel is transported by the dealer to the premises of the purchaser in his own equipment or equipment hired by him, and excludes all sales made f. o. b. sellers' facilities.

This amendment shall become effective January 2, 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23126; Filed, Dec. 28, 1945; 4:42 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 269,[1] Amdt. 11]

POULTRY

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.

Second Revised Maximum Price Regulation 269 is amended in the following respects:

1. The following changes are made with respect to county zone numbers in section 4.4 "List of Counties, with Zone Numbers for Chickens and Turkeys, Arranged Alphabetically by States:"

a. The chicken Zone number of Alameda County in the State of California is changed from "C 53" to "C 56."

b. The turkey Zone number of Placer County in the State of California is changed from "T 3" to "T 25."

c. The turkey Zone number of Churchill County in the State of Nevada is changed from "T 33" to "T 3."

d. The turkey Zone number of Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties in the State of Oregon is changed from "T 11" to "T 2."

e. The turkey Zone number of Sacramento County in the State of California is changed from "T 25" to "T 15."

f. The turkey Zone number of Deschutes County in the State of Oregon is changed from "T 11" to "T 5."

2. The first paragraph of section 7.3 (a) is amended to read as follows:

(a) The maximum price for the sale and delivery of poultry items at retail, that is, to an ultimate consumer, other than a commercial, institutional, industrial or governmental concern, by any type of seller other than a retailer covered by Maximum Price Regulations 422 or 423, shall be calculated as follows:

This amendment shall become effective January 3, 1946.

Issued this 29th day of December 1945.

CHESTER BOWLES,
Administrator.

Approved: December 18, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-23170; Filed, Dec. 29, 1945; 3:05 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289,[1] Amdt. 41]

DAIRY PRODUCTS

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

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 19 is amended by deleting the last sentence from paragraph (e) and inserting the same sentence at the end of paragraph (f).

2. Sections 27 (b), (c), (d), and (e) are redesignated sections 27 (d), (e), (f), and (g), respectively.

3. All references to sections 27 (b), (c), (d), and (e) are redesignated as references to sections 27 (d), (e), (f), and (g), respectively.

4. Wherever reference is made to "paragraph (a)" in sections 27 (d) and (e), (formerly sections 27 (b) and (c)), except the reference to paragraph (a) contained in section 27 (b) (1) (i) such references are changed to read "paragraphs (a) and (b)."

5. Tables C, D, and E are redesignated Tables G, H, and I, respectively.

6. All references to "Tables A and B" are changed to read "Tables A, B, and C."

7. All references to Tables C, D, and E, are redesignated references to Tables G, H, and I, respectively.

8. The first sentence of section 27 (a) is amended to read as follows:

(a) Sales of natural Brick, Munster, and Swiss cheese by cheese factories,

[2] Footnote on p. 174.

[1] 10 F.R. 2352, 2658, 2928, 3554, 3948, 3950, 5772, 5792, 6232, 7340, 7852, 9084.

cheese makers, primary wholesalers, secondary wholesalers, and service wholesalers.

9. A new section 27 (b) is added to read as follows:

(b) *Sales of processed Swiss cheese by manufacturers or processors, primary wholesalers, secondary wholesalers, and service wholesalers*—(1) *In Wisconsin.* The maximum price for the sale of processed Swiss cheese conforming with the standards prescribed in paragraph (e) (2), and delivered any place in Wisconsin, shall be the appropriate price set forth in Table C, below:

TABLE C

[In cents per pound net weight]

Sales and deliveries by	Processed Swiss cheese	
Cheese processors or manufacturers of processed Swiss cheese.	Package weighing ½ pound or less	40.25
	Package weighing over ½ pound, but not over 2 pounds	38.50
	Package weighing over 2 pounds	37.50
Primary wholesalers	Package weighing ½ pound or less	41.05
	Package weighing over ½ pound, but not over 2 pounds	39.27
	Package weighing over 2 pounds	38.25
Secondary wholesalers	Package weighing ½ pound or less	43.06
	Package weighing over ½ pound, but not over 2 pounds	41.19
	Package weighing over 2 pounds	40.12
Service wholesalers	Package weighing ½ pound or less	45.47
	Package weighing over ½ pound, but not over 2 pounds	42.73
	Package weighing over 2 pounds	41.62

(2) *Outside Wisconsin.* The maximum price for the sale of processed Swiss cheese delivered at any place outside Wisconsin shall be the appropriate price set forth in Table C, above, plus the lowest published railroad carlot freight rate per pound gross weight from Monroe, Wisconsin to the place of delivery, multiplied by 1.15. In calculating the transportation charge the 3 percent transportation tax imposed by Section 620 of the Revenue Act of 1942 shall be included.

10. A new section 27 (c) is added to read as follows:

(c) *Sales of processed Swiss cheese to U. S. Government*—(1) *In general*—(i) *In Wisconsin.* The maximum price for the sale of processed Swiss cheese to the United States Government, or any of its agencies, delivered at any place in Wisconsin, shall be as set forth in Table D, below:

TABLE D

[In cents per pound net weight]

Package weighing ½ pound or less	40.25
Package weighing over ½ pound, but not over 2 pounds	38.50
Package weighing over 2 pounds	37.50

(ii) *Outside Wisconsin.* The maximum price for the sale of processed Swiss cheese to the United States Government, or any of its agencies, delivered at any place outside Wisconsin, shall be the appropriate price set forth in Table D, above, plus the lowest published railroad carlot freight rate per pound gross weight from Monroe, Wisconsin to the place of delivery, multiplied by 1.15. In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(2) *Sales and deliveries to individual army posts, naval bases, Federal hospitals, schools, or penal institutions*—(i) *In Wisconsin.* Notwithstanding subparagraph (1) of this paragraph, the maximum price for the sale of processed Swiss cheese, where delivery is made to the physical location of an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place in Wisconsin, shall be as follows:

(a) For sales and deliveries of quantities of less than carload lots, but more than 5000 pounds, the maximum prices set forth in Table E, below:

TABLE E

[In cents per pound net weight]

Package weighing ½ pound or less	41.05
Package weighing over ½ pound, but not over 2 pounds	39.27
Package weighing over 2 pounds	38.25

(b) For sales and deliveries of quantities of 5000 pounds or less, the maximum prices set forth in Table F, below:

TABLE F

[In cents per pound net weight]

Package weighing ½ pound or less	43.06
Package weighing over ½ pound, but not over 2 pounds	41.19
Package weighing over 2 pounds	40.12

(ii) *Outside Wisconsin.* The maximum price for the sale of processed Swiss cheese, where delivery is made to the physical location of an individual army post or naval base, or a Federal hospital, school, or penal institution located at any place outside Wisconsin, shall be the appropriate price in either Table E or Table F, above, whichever is applicable, plus the lowest published railroad carlot freight rate per pound, gross weight, from Monroe, Wisconsin to the place of delivery, multiplied by 1.15. In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(3) *Sales by licensed ship suppliers of processed Swiss cheese delivered shipside.* Notwithstanding other provisions of this Section 27, the maximum price for the sale of processed Swiss cheese by a licensed ship supplier either to the United States Government, or any of its agencies, or to a ship operator where delivery is made shipside any vessel operating under the direction or control of the United States Government, the War Shipping Administration, or any of the United Nations, shall be the maximum price as established by paragraph (b) of this section for a delivery in that place by a "service wholesaler."

11. Section 27 (e) (3) (formerly section 27 (c) (3)) is amended by adding at the end of the first sentence, the following:

Processed Swiss cheese in lots of 30 lbs. or less.

12. Section 27 (e) (7) (ii) (formerly section 27 (c) (7) (ii)) is amended by adding the following sentence: *"Provided, however,* That the physical premises of a municipally operated central kitchen, preparing lunches for non-profit distribution to school children, shall be deemed the physical premises of an institutional user."

13. A new section 27 (e) (9) is added to read as follows:

(9) "Processed Swiss cheese" means cheese having milk ingredients composed entirely of Swiss cheese which has been graded, cleaned, blended, ground, pasteurized and packaged. It shall contain not more than 40 percent moisture and, in the moisture-free substance, not less than 43 percent milk fat.

The maximum prices established in Tables C, D, E, and F of this section are for processed Swiss cheese made entirely from Swiss cheese covered by the definition set forth above, which is for the purpose of establishing a standard of identity for specific pricing.

14. A new section 27 (e) (10) is added to read as follows:

(10) "Cheese factory" or "cheese maker" means a maker or manufacturer of natural cheese and includes a processor of Swiss cheese.

15. The reference contained in section 27 (g) (1) (ii) (formerly section 27 (e) (1) (ii)) to "Section 20 of the Revenue Act of 1942" is corrected to read "Section 620 of the Revenue Act of 1942."

This amendment shall become effective January 3, 1946.

Issued this 29th day of December 1945.

CHESTER BOWLES,
Administrator.

Approved:

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-23171; Filed, Dec. 29, 1945; 3:05 p. m.]

PART 1499—ADJUSTMENT OF MAXIMUM PRICES

[SR 15, Amdt. 42]

ADJUSTMENT OF MAXIMUM PRICES OF CERTAIN METALS, MINERALS AND PRODUCTS

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

Supplementary Regulation No. 15 is amended in the following respects:

1. Section 1499.75 (a) (4), subparagraph (v) is deleted and a new subparagraph (v) is added to read as follows:

(v) The Office of Price Administration may, on its own motion or on application, adjust the maximum price or prices of any purchaser for resale of any commodity subject to this paragraph (v) when the maximum price or prices paid by such reseller for the commodity are or have been increased above the level of March, 1942, and the adjustment of the

reseller's maximum price or prices appears reasonably necessary in order to insure orderly and customary distribution.

The amount of adjustment that may be granted to any such reseller shall not exceed the amount of the actual dollars-and-cents increase in the price of the commodity (not in excess of the maximum) which must be paid by him.

In appropriate cases, the Price Administrator may require a compensatory decrease in the maximum prices for another product or products sold by the reseller.

This amendment shall become effective January 3, 1946.

Issued this 29th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-23173; Filed, Dec. 29, 1945; 3:05 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 1]

SUGAR

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

Third Revised Ration Order 3 is amended in the following respects:

1. A new section 13.5a is added to read as follows:

SEC. 13.5a *Application for loan on termination of contracts.* (a) If an industrial user used sugar in manufacturing products for a designated agency pursuant to a contract or order which was terminated or cancelled and if such products were not acquired by the designated agency because of such termination or cancellation, he may apply to the District Office for a loan equal to the amount of sugar used by him in such products, or for an additional allotment equal to all or part of the sugar so used. Such application must be made, in writing, to the District Office and must state:

(1) The name and address of the industrial user;

(2) The nature and amount of the products which were to be acquired by a designated agency, and a copy of the contract or order covering such products;

(3) The date on which such contract or order was cancelled or terminated by the designated agency, and the name and address of the terminating office or depot;

(4) The amount of sugar used by him pursuant to the contract or order in products not acquired by the designated agency because of the termination of the contract or order. In addition, if he wishes to receive, in place of all or part of the loan to which he may be entitled, an additional allotment equal to all or part of the sugar so used, he must state:

(5) A description of the product or products made by him pursuant to the contract or order which he claims cannot be used by him in his regular operation, and which, for reasons other than the mere style or method of packaging, are not normally manufactured or marketed by anyone for civilian distribution;

(6) The reason why he claims such product or products are not normally manufactured or marketed by anyone for civilian distribution;

(7) The amount of sugar used in the products described in (5).

(b) If the District Office finds that the applicant, pursuant to a contract or order which was terminated, used sugar in products which were not acquired by a designated agency, it shall issue a check to the user equal to the amount of sugar so used. The amount of the check shall be charged as excess inventory and must be repaid from succeeding allotments of the applicant in installments of 25% of each allotment until paid. If the District Office finds that all or part of such products cannot be used by the applicant in his regular operations, and that for reasons other than the mere style or method of packaging they are not normally manufactured or marketed by anyone for civilian distribution, it shall reduce the amount of the excess inventory charge to be made by the portion allocable to the sugar used in such products, and the amount of such reduction shall be regarded as the issuance to the applicant as an additional allotment. In either event, the allotment of the industrial user for the allotment period in which a check is received shall be considered increased by the amount of such check.

2. Section 13.11 is amended by adding thereto paragraph (c) and (d) to read as follows:

(c) If, at the date his contract or order is terminated or cancelled, such user has used all or part of the advance in accordance with the contract or order in products not acquired by the designated agency because of such termination or cancellation, he may apply for permission to repay such charge out of succeeding allotments in instalments of 25% of each allotment instead of having the entire amount charged against his succeeding allotments until paid, or for cancellation of all or part of such excess inventory charge. The application must be made, in writing, to the District Office and must state:

(1) The name and address of the industrial user;

(2) The amount of sugar used by him from the advance pursuant to the contract or order in products not acquired by the designated agency because of the termination of the contract or order on or after September 17, 1945;

(3) The name and address of the office or depot of the designated agency which terminated the contract or order.

In addition, if he wishes to have all or part of the excess inventory charge cancelled, he must state:

(4) A description of the product or products made by him pursuant to the contract or order which he claims cannot be used by him in his regular operation and which, for reasons other than the mere style or method of packaging, are not normally manufactured or marketed by anyone for civilian distribution;

(5) The reason why he claims such product or products are not normally manufactured or marketed by anyone for civilian distribution;

(6) The amount of sugar used in the products described in (4).

(d) If the District Office finds that the applicant, pursuant to a contract or order which was terminated or cancelled on or after September 17, 1945, used all or part of an advance in products which were not acquired by the designated agency because of such termination or cancellation, it shall permit the user to repay any remaining excess inventory charge allocable to the sugar used in such products from succeeding allotments, in instalments of 25% of each allotment, until paid. If the District Office finds that all or part of such products cannot be used by the applicant in his regular operations, and that, for reasons other than the mere style or method of packaging, they are not normally manufactured or marketed by anyone for civilian distribution, it shall cancel the part of the excess inventory charge allocable to the sugar used in such products. In the latter case, if all or part of the excess inventory charge allocable to the sugar used in such products has already been repaid by the applicant, the District Office shall, in addition to cancelling the remaining portion of such charge, issue a check to the user for the part of the charge already paid. The allotment of the user for the allotment period in which such a check is received shall be considered increased by the amount of such check.

This amendment shall become effective January 1, 1946.

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

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23249; Filed, Dec. 29, 1945; 4:50 p. m.]

Chapter XXIII—Surplus Property Administration

[Rev. Special Order 25]

USE OF FACILITIES BY STATES AND LOCAL GOVERNMENTS AND THEIR INSTRUMENTALITIES TO RELIEVE THE EMERGENCY HOUSING SHORTAGE

Surplus Property Administration Special Order 25, December 5, 1945, (10 F.R. 14966), is hereby revised and amended as set forth below. New matter is indicated by underscoring.

This order is issued for the purpose of utilizing surplus facilities to relieve the critical housing shortage found to exist throughout the Nation, and particularly to make available housing for our veterans who are returning from overseas. The duty to provide housing facilities for

returning veterans during this emergency is imperative and purely monetary considerations must be subordinated to this duty and to the benefit to the Nation which will result from the performance of it, and the Surplus Property Administrator finds that the operation of housing facilities by State and local governments for the use of veterans will result in benefit to the United States for considerations of public health. Accordingly, pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611) and of Public Law 181, 79th Congress, and notwithstanding any of the provisions of any Surplus Property Administration regulation issued thereunder, *It is hereby ordered*, That:

1. Disposal agencies and owning agencies through the Federal Public Housing Authority are hereby authorized to make available without monetary consideration to State and local governments and their instrumentalities surplus real property suitable for housing purposes consisting of land, buildings, structures, improvements, and such personal property as may be located thereon and useful in connection therewith, by permit, lease, or otherwise, on the following conditions:

(a) That the property will be operated and maintained at the expense of the State or local government or instrumentality.

(b) That the property will be utilized for the housing of veterans and their immediate families, and will not be rented to other applicants while applications from veterans for housing therein are pending and unfilled.

(c) That all revenue derived from the property in excess of that portion thereof necessary to cover the cost of conversion of the property to housing purposes and of operation and maintenance shall be accounted for and paid over to the Federal Government at such time as may be agreed upon by the Federal agency and the State or local government or instrumentality.

(d) That the right of occupancy shall not exceed five years and in any event shall be revocable on a notice of six (6) months on determination by the Federal agency then in charge of the property that the housing emergency in the immediate area has ended; and that all property shall revert to the United States upon such revocation. In the case of permits granted by an owning agency through a disposal agency, revocation thereof may be effected at any time by the owning agency for military or national defense purposes prior to the declaration of such property as surplus without regard to the continuation of any housing emergency and on such lesser period of notice as may be deemed expedient.

(e) That the rights of the State or local governments or their instrumentalities shall be limited to the Government's right of occupancy of the property and that it will assume all obligations imposed upon the Government under any lease, court order, or decree condemning a term, or other instrument of occupancy.

2. Disposal agencies and owning agencies through the Federal Public Housing Authority are authorized to make available without monetary consideration to State and local governments and their instrumentalities readily removable structures and building materials and equipment for the uses and purposes and subject to the terms and conditions set forth in paragraph 1 hereof, *Provided*, That, where such property is erected by the State or local governments upon land not owned by or leased to the United States, the United States shall be given the right to enter upon the land at any time to inspect such property and to remove it at the termination of the permit or lease. The permit may extend, for a limited time, to the storage sites of such building materials and equipment to permit the orderly removal thereof for the uses and purposes herein set forth.

3. Owning agencies may declare such property surplus at any time subject to any rights granted hereunder by permit, lease, or otherwise.

4. Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this order and with the applicable provisions of the act. Reports shall be prepared and filed in such manner as may be specified by the Administrator and approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as revised, shall become effective December 26, 1945.

W. STUART SYMINGTON,
Administrator.

DECEMBER 26, 1945.

[F. R. Doc. 45-23235; Filed, Dec. 29, 1945; 4:30 p. m.]

[SPA Reg. 1,[1] Order 7]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

APPROVAL OF DELEGATION TO DEPARTMENT OF STATE OF AUTHORITY TO DISPOSE OF SURPLUS AIRCRAFT

Reconstruction Finance Corporation is presently designated under this part as the disposal agency for surplus aircraft and property peculiar to aircraft located within the continental United States, its territories and possessions as defined in this part. Under Surplus Property Board Revised Regulation 8 (10 F.R. 12452, 12559, 13777) the Department of State is designated as the disposal agency for such surplus property located in foreign areas. In order to coordinate sales to foreign customers, Reconstruction Finance Corporation proposes to delegate its disposal authority to the Department of State with regard to the sale to foreign governments, organizations and individuals of surplus aircraft and property peculiar thereto located in the continental United States, its territories and possessions.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. App. Sup. 1611) and Public Law 181, 79th Congress, *It is hereby ordered*, That:

1. The Surplus Property Administrator hereby approves of the delegation by Reconstruction Finance Corporation to the Department of State of authority with respect to the disposal to foreign governments, organizations and residents, for shipment to and use in foreign areas as defined in Part 8308, of aircraft and property peculiar to aircraft located in the continental United States, its territories and possessions, as defined in § 8301.1, which have been declared surplus to the Reconstruction Finance Corporation and determined by it not to be necessary to meet the requirements of priority and preference claimants under regulations and orders of the Administrator or general civilian requirements within the continental United States, its territories and possessions; *Provided, however*, That the Department of State shall not dispose of such property at prices less than minimum prices established by the Reconstruction Finance Corporation; that the general terms and conditions of such disposals by the Department of State are substantially the same as those currently offered, from time to time, by the Reconstruction Finance Corporation to domestic purchasers; that payment by foreign organizations and residents be in United States dollars; and that when disposals are made to foreign governments, the Department of the Treasury shall determine the currency in which payment may be made, any credit terms, and any conversion or exchange provisions.

2. The Administrator further approves of the redelegation by the Department of State of such authority to a government agency or to a person under the complete control of a government agency.

3. Copies of all instruments delegating the authority hereby approved shall be filed promptly with the Administrator.

4. The Department of State shall prepare and maintain such records as will show full compliance with the applicable regulations and orders of the Administrator and with the applicable provisions of the act and shall report to Reconstruction Finance Corporation all transactions completed under the delegation hereby approved. All reports required to be filed by disposal agencies with the Administrator relating to surplus aircraft and property peculiar thereto located in the continental United States, its territories and possessions shall be filed by Reconstruction Finance Corporation.

This order shall become effective December 26, 1945.

W. STUART SYMINGTON,
Administrator.

DECEMBER 26, 1945.

[F. R. Doc. 45-23230; Filed, Dec. 29, 1945; 4:31 p. m.]

[1] 10 F.R. 14064.

[SPA Reg. 4]

PART 8304—DISPOSAL OF AIRCRAFT AND COMPONENTS AND PARTS OF AIRCRAFT

Surplus Property Board Regulation 4, May 4, 1945, as amended to September 4, 1945 (10 F.R. 5460, 6785, 10362, 11402), entitled "Disposal of Surplus Aeronautical Property to Educational Institutions and State or Local Governments for Non-Flight Use," is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 4. The title is amended to read as follows:

"Disposal of Aircraft and Components and Parts of Aircraft." Order 1, May 17, 1945 (10 F.R. 5960), under this part, Special Order 1 (10 F.R. 3791), Special Order 8 (10 F.R. 5979) and Special Order 11 (10 F.R. 7431), Surplus War Property Administration Regulation 4 (9 F.R. 11727), and all other regulations, orders, instructions, and arrangements made by or with the Surplus War Property Administration relating to the disposal of aeronautical property are hereby revoked and rescinded. Nothing herein, however, shall be deemed to invalidate transactions completed pursuant to such prior authorities.

Sec.

AUTHORITY: §§ 8304.1 to 8304.18, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765, U. S. C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8304.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Aeronautical property" means aircraft, airframes, all spare parts of airframes, all airborne components, accessories and items of equipment which comprise complete airplanes and their spare parts, aeronautical training and instructional equipment and aids, specialized tools and equipment and tool kits used solely in aircraft maintenance and synthetic flight training devices and their spare parts. Aeronautical property does not include radios not installed in any aircraft, flight clothing, life rafts and other life saving devices, and such items of oxygen equipment and such navigation instruments and aids as are not normally installed in or attached to an aircraft.

(2) "Commercially unsalable property" as used herein is distinguished from property of no commercial value as used in Part 8319 [1] and means property which has no reasonable prospect of sale at or above a minimum price established by the disposal agency, or where such minimum price has not been established, no reasonable prospect of sale except as salvage or scrap.

(3) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature, that it has no reasonable prospect of sale as a unit, but has some value in excess of its basic material content because it may contain serviceable components. Salvage includes used containers and cable reels. It should be noted that property is not "salvage" merely because it is worn, damaged, deterioriated, incomplete, or of a specialized nature.

(4) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(5) "Instrumentality" as used herein means any instrumentality of a State, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof, as well as to such States and subdivisions themselves.

(6) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(7) "Educational institution or instrumentality" means any school, school system, library, college, university, or other similar institution, organization or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution or an instrumentality.

(8) "Public-health institution or instrumentality" means any hospital, board, agency, institution, organization or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution or an instrumentality.

§ 8304.2 *Scope.* This part applies to the disposal of surplus aeronautical property located in the continental United States, its territories and possessions.

§ 8304.3 *Authority to dispose.* The need to dispose promptly of the vast amounts of surplus aeronautical property is such that authority is hereby granted in accordance with section 19 (c) of the act to dispose of aircraft and aircraft parts in conformity with the provisions of this part.

§ 8304.4 *Interdepartmental Advisory Committee on Surplus Aircraft Disposal.* Pursuant to arrangements made with other interested Government agencies, there is hereby established an Interdepartmental Advisory Committee on Surplus Aircraft Disposal which shall function as an advisory committee to the Surplus Property Administrator and shall consist of representatives of the Department of State, the War Department, the Navy Department, the Department of Commerce, the Office of the Foreign Liquidation Commissioner, the Smaller War Plants Corporation, the Civil Aeronautics Board, the Reconstruction Finance Corporation and a representative of the Surplus Property Administrator, who shall serve as Chairman of the Committee. This Committee supersedes the Interdepartmental Working Committee established by the Surplus War Property Administration. It shall be the duty of such committee to furnish advice and make recommendations to the Administrator with respect to the policies and procedures to be applied in the disposal of surplus aircraft, the distribution of aeronautical property in short supply, and all other matters relating to surplus aeronautical property upon which advice may be requested by the Administrator.

§ 8304.5 *Disposal of tactical aircraft.* (a) Tactical aircraft are those generally useful only for military purposes and include aircraft of types designed and useful only for tactical and strategic military missions, as well as all advance trainers and such basic trainers as are not generally suitable for civilian flying.

(b) Aside from a relatively small demand for tactical aircraft to serve specialized industrial, educational and private uses, the only significant market for aeronautical property of this class is the governments of friendly foreign nations. Sales of such aircraft to foreign governments or instrumentalities thereof shall be effected by the disposal agency only on the written recommendation of the Department of State with the written concurrence of the War and Navy Departments.

§ 8304.6 *Disposal of transport aircraft.* (a) Transport aircraft are those which are designed to perform or can economically be converted to perform the commercial transportation of persons or property or both. This class includes single and multi-engined land aircraft, seaplanes and amphibians of 5,000 pounds gross weight and over.

(b) In the disposal of transport aircraft, the disposal agency shall establish, with the approval of the Administrator, prices for such aircraft. In fixing such prices, the disposal agency should give consideration to the potential earning power of the aircraft in relation to other models, its estimated economical life in scheduled and non-scheduled commercial service, the degree of modification required for conversion to civilian use and the relationship between supply and de-

[1] 10 F.R. 14966.

mand. If the disposal agency determines that transport aircraft are beyond economical repair or that a fixed price cannot be readily established because of obsolescence, specialized design or other exceptional circumstances, such aircraft may be disposed of by competitive bidding or other method of sale considered appropriate by the disposal agency. The disposal agencies shall attempt, whenever practicable, to dispose of surplus transport type aircraft by sale rather than by lease. Transport aircraft of models approved by the Administrator may, however, be leased by the disposal agency upon terms approved by the Administrator.

§ 8304.7 *Disposal of other aircraft and aeronautical devices.* Single and multi-engine aircraft other than those constituting transport aircraft which are primarily suitable for personal or charter flying, primary trainers and such basic trainers as are suitable for private flying and civilian flight training, miscellaneous aircraft including gliders, airships and rotary wing aircraft not otherwise classified, and synthetic flight training devices, should where practicable be sold at fixed prices or by competitive bidding, "where is, as is," with the disposal agency reserving the right to reject all bids.

§ 8304.8 *Disposal of components and parts.* The disposal agency should promptly determine the components and parts (consisting of aeronautical property exclusive of aircraft, airframes, and synthetic training devices) which are useable either for aviation or non-aviation purposes. Such components and parts should be segregated for orderly distribution to fill such needs. The balance except for property disposed of under § 8304.11 should be disposed of, preferably at the point of location, at the best price obtainable, as salvage or scrap, as hereinafter provided, or otherwise.

§ 8304.9 *Allocation.* Surplus aeronautical property in short supply will be allocated by the Administrator to satisfy the needs of the armed forces as provided in section 6 of the act and the needs of claimants provided for in Parts 8302 [2] and 8307.[3] Thereafter the Administrator will allocate aeronautical property in short supply to persons applying therefor. Allocations will be made in such a manner as will effectuate the objectives of the act including the promotion of an adequate and economical national transportation system. In the allocation of such property, due consideration will be given to the needs of foreign transportation systems for such property, as recommended by the Department of State.

§ 8304.10 *Establishing minimum prices.* The disposal agency is authorized, where necessary, to establish minimum prices for items of aeronautical property and to treat as commercially unsaleable any such property which after a reasonable test of the market it concludes cannot be sold within a reasonable period of time at prices equal to or greater than such minimum prices.

§ 8304.11 *Disposals for educational and public-health purposes.* (a) Where the disposal agency finds that any item of surplus aeronautical property has or will become available for disposal in quantities that will exceed the amount which can be readily disposed of in the foreseeable future in the usual commercial markets, disposal may be made to educational or public-health institutions or instrumentalities as provided in this section. The disposal agency shall compile a list of such items and shall ascertain prices which will reflect the benefit which has accrued or may accrue to the United States from the use of such property by educational or public-health institutions or instrumentalities. Such lists shall be submitted to the Administrator and, if approved, will be published by order hereunder. After reserving sufficient quantities of such property to satisfy commercial demands in the light of quantities presently available or to be available, the disposal agency is authorized to dispose of such property to educational or public-health institutions or instrumentalities at the prices so approved.

(b) The disposal agency shall establish procedures pursuant to which educational or public health institutions or instrumentalities may make written application for surplus aeronautical property available for disposal to such institutions or instrumentalities. Such procedures shall include a certification that the applicant is an educational or public-health institution or instrumentality as defined in § 8304.1, a statement of the purposes for which the property is to be acquired, and an agreement that the property will not be resold to others within three (3) years of the date of purchase without the consent in writing of the disposal agency unless it is mutilated or otherwise rendered unfit for use except as scrap.

§ 8304.12 *Nonprofit institutions and instrumentalities.* The price at which nonprofit institutions and instrumentalities, including educational and public-health, shall be entitled to acquire surplus aeronautical property from the disposal agency if a price list has not been published under the preceding section, shall be not greater than the lowest price at which such property is offered other than scrap to any trade level at the time of acquisition by the nonprofit institution or instrumentality.

§ 8304.13 *Donation, destruction, or abandonment.* Donation, destruction, or abandonment of surplus aeronautical property shall be governed by the provisions of Part 8319.

§ 8304.14 *Determination to be commercially unsalable.* In order to obtain the greatest return to the Government and at the same time to obviate all unnecessary expense of care, handling, shipping, reconditioning, and maintenance of such property, the disposal agency shall make prompt determination as to those items of aeronautical property which are commercially unsalable and should therefore be promptly disposed of as salvage or scrap. Such a determination by the disposal agency may be made by any of the following methods:

(a) By the offering of reasonable quantities for sale;

(b) By a finding of the Civil Aeronautics Administration based upon considerations of flight safety;

(c) By a finding of the War Department or the Navy Department, based upon the requirements of national defense, that an item of aeronautical property should not be approved for general civilian flight use;

(d) By a finding of the disposal agency that the supply exceeds any known or foreseeable demand;

(e) By the findings of expert consultants;

(f) By direct findings of the disposal agency in cases where the cost of care and handling is believed to exceed foreseeable returns.

§ 8304.15 *Disposal as salvage or scrap.* Pursuant to arrangements reached between Reconstruction Finance Corporation, the War Department, and the Navy Department the following procedures shall be followed with regard to domestic disposal of surplus aeronautical property as salvage or scrap:

(a) *Disposal of aircraft as salvage or scrap.* Surplus flyable aircraft which are determined by the disposal agency to be commercially unsalable may be disposed of by owning agencies as salvage or scrap unless other disposition is directed by such disposal agency; or such aircraft may be reported by the owning agency to the disposal agency, and the disposal agency shall dispose of them as salvage or scrap. Non-flyable aircraft determined by the disposal agency to be commercially unsalable shall be disposed of as salvage or scrap by owning agencies unless other disposition is directed by the disposal agency, and such aircraft shall not be declared surplus by owning agencies.

(b) *Disposal of components and parts as salvage or scrap.* Surplus components and parts which are determined by the disposal agency to be commercially unsalable shall be promptly disposed of by owning agencies as salvage or scrap, unless other disposition is directed by such disposal agency: When such items are in the possession of the disposal agency, they shall be promptly disposed of as provided for in this part by such disposal agency.

(c) *Removal of components and parts.* When an owning agency disposes of commercially unsalable aeronautical property as salvage or scrap, the disposal agency may direct such owning agency to remove such components and parts therefrom as the disposal agency may find have sufficient value to warrant the cost of removal, storage, care, and handling.

§ 8304.16 *Rendering unfit for intended use.* In order not to incur excessive costs of care and handling and to insure orderly disposal, all aeronautical property determined to be commercially unsalable by reason of oversupply (except property to be disposed of un-

[2] 10 F.R. 14200.
[3] 10 F.R. 12849.

der § 8304.11 of this part) will be sold only as salvage or scrap. Where such sales of salvage or scrap are made by the owning agencies, the property may be rendered unfit for aeronautical use, and where such sales are made by the disposal agency, the property shall be rendered unfit for aeronautical use; *Provided, however,* That no sales of such property shall be made by an owning agency without the consent of the disposal agency unless the property is first rendered unfit for aeronautical use.

§ 8304.17 *Regulations by agencies to be reported to the Administrator.* Owning and disposal agencies shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it has issued or may hereafter issue in furtherance of the provisions, or any of them of this part.

§ 8304.18 *Records and reports.* Each owning and disposal agency shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the Surplus Property Act of 1944, relating to the disposal of surplus aeronautical property. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This part shall become effective December 21, 1945.

W. STUART SYMINGTON,
Administrator.

DECEMBER 21, 1945.

[F. R. Doc. 45-23231; Filed, Dec. 29, 1945; 4:31 p. m.]

[SPA Reg. 4, Order 3]

PART 8304—DISPOSAL OF AIRCRAFT AND COMPONENTS AND PARTS OF AIRCRAFT

FORMS FOR REPORTING SCRAPPINGS OF AIRCRAFT, AIRCRAFT ENGINES AND OTHER AERONAUTICAL PROPERTY [1]

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Sup. 1611) and Public Law 181, 79th Congress, 1st Sess., *It is hereby ordered,* That:

1. The War Department and the Navy Department shall report to the Reconstruction Finance Corporation and the Surplus Property Administration on Form SPA-60, "Monthly Report Of Scrappings Of Aircraft, Spare Aircraft Engines And Other Aeronautical Property In The Continental United States," in accordance with the instructions on the reverse of the form, the number and reported cost of aircraft and spare aircraft engines scrapped and the weight of scrap resulting therefrom, and the actual or estimated scrappings of other aeronautical property and the weight of scrap resulting therefrom, in the continental United States, pursuant to authorizations received from the Reconstruction Finance Corporation under special agreements, the previous authority of SPB Special Order 11,[2] and the authority of this part. The Reconstruction Finance Corporation shall report to the Surplus Property Administration on Form SPA-60, "Monthly Report Of Scrappings Of Aircraft, Spare Aircraft Engines And Other Aeronautical Property In The Continental United States", in accordance with the instructions on the reverse of the form, the number and reported cost of aircraft and spare aircraft engines scrapped and the weight of scrap resulting therefrom, and the actual or estimated scrappings of other aeronautical property and the weight of scrap resulting therefrom, in their possession in the continental United States, under the previous authority of SPB Special Order 11,[2] and of this part.

2. The War Department, the Navy Department, and the Reconstruction Finance Corporation may reproduce Form SPA-60: *Provided,* That the format is identical with that on file with the Division of the Federal Register, and sample copies of which may be obtained from the Surplus Property Administrator.

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

This order shall become effective December 28, 1945.

W. STUART SYMINGTON,
Administrator.

DECEMBER 28, 1945.

[F. R. Doc. 45-23232; Filed, Dec. 29, 1945; 432 p. m.]

[SPA Reg. 5,[1] Order 8]

PART 8305—SURPLUS NONINDUSTRIAL REAL PROPERTY

AUTHORITY TO FEDERAL WORKS AGENCY TO NEGOTIATE A LEASE FOR FIVE YEARS WITH OPTION TO PURCHASE FOR CERTAIN INSTITUTIONAL PROPERTY IN GEORGIA

The Battey General Hospital at Rome, Georgia, has been declared surplus by the War Department which is the owning agency. The hospital installation consists of approximately 160 acres of government-owned land improved with fully equipped hospital buildings and various facilities necessary for the operation of the hospital. The Battey General Hospital is institutional real estate properly assignable to the Federal Works Agency for disposition.

The State of Georgia wishes to acquire the entire hospital installation, including all government-owned land and improvements together with all equipment and supplies located thereon. The State of Georgia has stated that it desires to obtain immediate possession of the property on a temporary basis and, as soon as possible thereafter, to purchase the land or enter into a lease (for a period not in excess of five (5) years) with option to purchase. The State of Georgia represents that: (1) it has urgent and immediate need for increased hospital facilities; (2) the State has now available only approximately 1,000 beds for tubercular patients whereas its minimum requirements therefor is 3,200 beds; (3) it intends to use the facilities of the Battey General Hospital as a tuberculosis sanitarium; (4) when the Battey General Hospital is available for use as a tuberculosis sanitarium, the present State tuberculosis sanitarium will be converted into a mental institution or a female prison, both of which are urgently needed by the State; (5) it has funds available for the adequate care and maintenance of the Battey General Hospital. The United States Public Health Service has made a field investigation of the property in question and has recommended that it be made available to the State of Georgia on the basis of its above stated desires and representations.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Sup. 1611) and Public Law 181, 79th Congress, *It is hereby ordered,* That: Notwithstanding the provisions of §§ 8305.11 (d) and 8305.12 (c), (d), (e) and (g), the Federal Works Agency is authorized to immediately issue a temporary occupancy permit to the State of Georgia for all government-owned property in the hospital installation known as the Battey General Hospital and, after having given ten (10) days written notice of availability to all Government agencies listed in Exhibit B, who have not previously in writing declined to make an offer for the properties above described, and after having given public notice of availability in a newspaper published or having general circulation in the county in which said property is located for a period of ten (10) days, is hereby authorized, in the absence of an acceptable proposal from a holder of a higher priority or a proposal from any State or local government having a priority equal to that of the State of Georgia, and showing a greater need, to negotiate with representatives of the State of Georgia the terms of a sale or a lease for a period not in excess of five (5) years, for the purposes indicated hereinabove, with an option to acquire title to the properties. The terms and conditions upon which the Federal Works Agency proposes to execute such sale or lease and option, together with all supporting evidence, certificates and other pertinent papers in compliance with the provisions of § 8305.12 (h) (5), shall be filed with the Administrator for consideration and direction.

This order shall become effective December 21, 1945.

W. STUART SYMINGTON,
Administrator.

DECEMBER 21, 1945.

[F. R. Doc. 45-23233; Filed, Dec. 29, 1945; 4:30 p. m.]

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[1] 10 F.R. 12812, 14028, 14865.

[1] Filed as part of the original document.

[2] 10 F.R. 7431, which is revoked by SPA Reg. 4, dated December 21, 1945.

[SPA Reg. 5,[1] Order 9]

PART 8305—SURPLUS NON-INDUSTRIAL REAL PROPERTY

AUTHORITY TO THE OWNING AGENCY TO NEGOTIATE A SALE OF THE DARNALL GENERAL HOSPITAL, DANVILLE, KENTUCKY

The War Department without having formally made a declaration of surplus has advised that it no longer needs the property identified as the Darnall General Hospital, Danville, Kentucky, consisting of approximately 1301.3 acres of land together with all buildings, utilities, appurtenances, supplies, furnishings and equipment located thereon, and that it is intended that said property will in due time be formally declared surplus. Said property is held under lease from the State of Kentucky dated June 27, 1941, and prior to said date was acquired and improved by the State for its use as a hospital. The State had expended for the property in excess of one million dollars and the buildings alone erected by the State have a current estimated replacement cost of $1,333,800.

The lease to the Government was for the consideration of one ($1.00) dollar for the entire term which will expire two years from the date the National Emergency is declared terminated.

The Government has erected additional buildings and improvements on said property at a cost of $2,986,000, and has used the property for a hospital during the war period. The lease to the Government requires restoration of the premises at expiration, or the Government may leave any buildings and improvements on the premises in lieu of restoration. The Government was given an option to acquire the entire property at any time prior to expiration by payment to the State of $856,000. In addition to the improvements in buildings and similar structures, equipment and supplies have been provided by the Government at a cost of approximately $402,000.

The State of Kentucky has submitted a request that the lease be cancelled and all interests of the United States in the buildings and improvements thereon be transferred to the State for its use as a hospital for mental and tubercular mental cases, for which it claims its need is most urgent. It is represented that the benefits to the United States by such use will be the equivalent of the fair value of such property.

The State of Kentucky also requests that it be permitted to acquire all the supplies and equipment in the hospital to be used in connection with its future use at such discount as may be permissible under the regulations of the Surplus Property Administrator. The depreciated value of said equipment and supplies is considerably less than the cost but has not yet been determined. Furthermore, the Government will save expense for further care and handling by sale.

A certificate from the Federal Security Agency has been submitted, to the effect that the State of Kentucky is eligible to acquire the property above described and that the hospital so provided would be a public health, nonprofit, tax-supported instrumentality which the State is eligible to acquire at the discount provided in such cases.

It is represented that the State of Kentucky, if permitted to acquire said property, will provide all necessary funds for its future maintenance and operation for the purposes indicated.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611) and Public Law 181, 79th Congress, 1st Session: *It is therefore ordered*, That:

Notwithstanding the provisions of §§ 8305.11 and 8305.12, the War Department, without formally declaring said property surplus, as owning agency, after having given ten (10) days written notice of availability to all Government agencies listed in Schedule B of Regulation 5, and after having given public notice of availability in a newspaper published or having general circulation in the counties in which said property is located for a period of ten (10) days, is hereby authorized, in the absence of an acceptable proposal from a holder of a higher priority or a proposal from any local government having a priority equal to that of the State of Kentucky and showing a greater need, to cancel the lease for the Darnall General Hospital property in Mercer and Boyle Counties, near the City of Danville, Kentucky, and transfer all of the Government's interests in the buildings, utilities and appurtenances thereon, whether erected by the State of Kentucky or by the United States, to the State of Kentucky for its use as a hospital for mental and tubercular mental cases for a nominal consideration of one ($1.00) dollar; and the further consideration of a release and waiver by the State of Kentucky of all claims for damage or otherwise arising under the lease executed by it to the Government. Upon cancellation of said lease and transfer of said buildings and improvements to the State of Kentucky, the War Department is also authorized and directed to sell to the State of Kentucky for its use in the operation of said hospital all of the existing supplies and equipment in said hospital at the fair value thereof less a discount of 40%.

The War Department shall notify the Administrator when and how this matter is finally disposed of.

This order shall become effective December 26, 1945.

W. STUART SYMINGTON,
Administrator.

DECEMBER 26, 1945.

[F. R. Doc. 45-23234; Filed, Dec. 29, 1945; 4:30 p. m.]

[1] 10 F.R. 12812, 14028, 14865.

[SPA Reg. 20]

PART 8320—SURPLUS MARINE INDUSTRIAL REAL PROPERTY

Sec.

AUTHORITY: §§ 8320.1 to 8320.24, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765; 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8320.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Marine industrial real property" means real property used or useful for construction, repair or operation of ships and other water-borne carriers. It includes land together with buildings, fixtures, facilities and equipment located on such land or adapted to use in connection with such purposes, as well as unimproved land used or useful in connection therewith. It includes ship yards, harbors, and marine or port terminals. In any case, the Administrator may determine whether real property is or is not marine industrial real property as defined herein.

(2) "Harbor" means any body of water sheltered by nature or by breakwaters, jetties, or similar structures which affords safe anchorage for ships or other craft used in water-borne commerce. It includes the land jetties or breakwaters which form the sheltered water area as well as the structures and equipment which are required to keep the harbor in operative condition.

(3) "Marine or port terminal" means a terminal which is equipped for the loading and unloading of ships or other craft used in water-borne commerce.

(4) "Scrambled facility" means any Government-owned marine industrial real property together with its appurtenant equipment, structures, and other personal property which is operated as an integral part of a privately-owned property and is not capable of economic operation as a separate and independent unit.

(5) "Priority" means the right, subject to stated conditions and limitations, to purchase or lease surplus marine industrial real property to the exclusion of others.

(6) "State or local government" means any State, territory, or possession of the United States, the District of Columbia,

and any political subdivision or instrumentality thereof.

(7) "Small business" shall include any business enterprise or group of enterprises under common ownership or control, which does not at the date of purchase or lease of marine industrial real property hereunder have more than five hundred employees, or any business enterprise which by reason of its relative size and position in its industry is certified by Smaller War Plants Corporation, with the approval of the Surplus Property Administrator, to be a small business.

§ 8320.2 *Scope.* This part applies to all marine industrial real property located within the continental United States, its territories and possessions which is not to be transferred or disposed of by the owning agency pursuant to other applicable regulations of the Administrator and which is to be or has been declared as surplus to a disposal agency.

§ 8320.3 *Permissive use by other Government agency.* When a Government agency, utilizing Government-owned real property for or in connection with marine industrial real property under some form of arrangement with another Government agency having primary jurisdiction over the property, no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event the agency utilizing the property shall make a report of the facts to the Administrator for his determination as to how the interests of the Government will be best subserved.

§ 8320.4 *Declarations.* Declarations of surplus marine industrial real property shall be filed with the Administrator as provided in Part 8301.[1] The Administrator will transmit the declaration to the appropriate disposal agency, and will notify the owning agency thereof.

§ 8320.5 *Communications after notice of transmittal.* After the owning agency receives notice of the transmittal to a disposal agency of a declaration of surplus marine industrial real property, communications of the owning agency with respect to such property shall be addressed to the disposal agency, except where communication with the Administrator is required hereunder.

§ 8320.6 *Withdrawals.* If the owning agency wishes to withdraw surplus marine industrial real property before it has received notice of the transmittal of the declaration to the disposal agency, it may do so by filing the appropriate form with the Administrator. After the owning agency has received notice of such transmittal, it may withdraw such property by filing such form with the disposal agency. Such withdrawals may be made only with the consent of the Administrator if the property has not been assigned to a disposal agency or with the consent of the disposal agency thereafter, except as hereinafter provided.

[1] 10 F. R. 14064.

§ 8320.7 *Restrictions on use and disposition.* When an owning agency declares marine industrial real property surplus, such owning agency, the War and Navy Departments, and the Maritime Commission may submit to the Administrator requests that the disposal be made subject to any reservations, restrictions and conditions deemed applicable: *Provided, however,* That except in unusual circumstances where the consent of the Administrator thereto has been first obtained, such requests shall be limited to a provision that the property shall be so maintained as to remain available to perform its present functions in the event of an emergency declared by the President or the Congress, and that during the existence of such an emergency the Government, upon payment of a reasonable rental, shall have the right to the full unrestricted possession, control and use of the property, including any additions or improvements thereto made subsequent to the disposition of the property.

§ 8320.8 *Classification of property by Administrator.* (a) Upon receipt of a declaration of surplus marine industrial real property the Surplus Property Administrator will consider any requests for reservations, restrictions and conditions submitted by the owning agency, the War and Navy Departments, and the Maritime Commission, and will determine the future uses for which the property is best adapted, how the property can best be disposed of to meet the objectives of the act, and whether any or all of the requests for reservations, restrictions and conditions should be imposed.

(b) If the Administrator classifies the property for disposal as marine industrial real property, it shall be disposed of under this part. If the Administrator classifies it for disposition otherwise than as marine industrial real property, it shall be assigned to the appropriate disposal agency and disposed of under other applicable regulations of the Administrator.

(c) In the event the Administrator (1) does not approve any or all of the requested reservations, restrictions, and conditions, or (2) the disposal agency finds that it is unable to dispose of the property with the reservations, restrictions and conditions imposed, the owning agency shall be notified, and the owning agency may, if it desires, withdraw such property from surplus on making reimbursement for the cost of care and handling, or it may recommend the elimination or modification of such reservations, restrictions, and conditions. In cases arising under (2) above, the disposal agency shall also notify the Administrator.

(d) Where the owning agency has withdrawn the property from surplus pursuant to the provisions of paragraph (c), and later redeclares such property surplus, with or without requesting conditions for its disposition, the Administrator will determine the terms and conditions upon which it shall be disposed of and the proper classification to be given and shall assign it to the appropriate disposal agency for disposal.

§ 8320.9 *Duties of owning and disposal agencies*—(a) *General.* Upon receipt by the disposal agency of a declaration of surplus marine industrial real property it shall undertake immediately to dispose of the property covered by the declaration in accordance with the requirements of the act and of this part.

(b) *Care and handling.* (1) The disposal agency shall promptly upon receipt of a declaration of surplus marine industrial real property, arrange for its assumption of the care and handling of, and accountability for, the property covered by such declaration. Such assumption shall be completed within ninety (90) days after the disposal agency receives the declaration unless additional time is allowed by the Surplus Property Administrator. Any taxes or rentals becoming due on the property after the date of such assumption shall be paid by the disposal agency.

(2) The disposal agency shall make or cause to be made repairs necessary for the protection and maintenance of the property. It shall give careful consideration to what improvements or changes may be necessary for the completing, converting, or rehabilitating of the property in order best to attain the applicable objectives of the act, and may make commitments and expenditures, within its budgetary allotment, for such purposes as in its opinion will further such objectives: *Provided, however,* That no commitment for more than $100,000 of any such budgetary allotment shall be made by such agency for any such changes or improvements in connection with any one property without prior approval by the Administrator in writing.

(3) The disposal agency may renew any lease pursuant to which the Government is in possession of surplus marine industrial real property and shall assume and carry out any obligations which may have been entered into by an owning agency to restore any such property. The disposal agency as such shall not by exercise of any option or otherwise purchase marine industrial real property for resale or lease without prior written consent of the Administrator.

(c) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, and consistent with any necessary restriction in the interest of national security, the owning agency shall immediately supply the disposal agency with the originals or true copies of all documents or portions thereof pertaining to the surplus property which are in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of titles, tax receipts, deeds, affidavits of title, copies of judgments and declarations of taking in condemnation proceedings, maps, surveys, and all other title papers relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of the surplus property, as a part of the disposal transaction, any abstract of title or title guaranty or title insurance policy which relates to the property being trans-

ferred and which is no longer needed either by the owning or by the disposal agency. The terms upon which such transfer shall be made shall be fixed by the disposal agency.

§ 8320.10 *Studies by disposal agency.* (a) The disposal agency shall compile appropriate information regarding all marine industrial real property to be disposed of hereunder including generally the data listed on Exhibit A.

(b) *Collection of information.* Any report by any person engaged to collect or evaluate information pursuant to this part shall contain a certificate that he has no interest, direct or indirect, which would conflict in any manner or degree with the preparation and submission of an impartial report. Consistent with any necessary restrictions in the interest of national security, the owning agency shall render all possible assistance to the disposal agency in compiling such information, and where the owning agency shall have prepared any such information it shall immediately upon request forward the same to the disposal agency and shall cooperate with the disposal agency in obtaining any further necessary information. The owning agency and the disposal agency shall avoid duplication of work in compiling or preparing any such information. Studies pursuant to this section shall so far as possible be coordinated with the preparation of the reports required under section 19 of the act.

§ 8320.11 *Scrambled facilities and multiple tenancy.* In the case of any scrambled facilities the disposal agency shall give careful study to the desirability of conversion to a unit capable of independent operation. In all appropriate cases careful consideration shall also be given to the feasibility of subdividing a property to make it available for multiple tenancy or joint use by more than one small business.

§ 8320.12 *Interim use pending disposal.* Pending the disposition of surplus marine industrial real property by sale or lease, the owning agency, prior to the date accountability is assumed by the disposal agency, and the disposal agency thereafter, may, subject to the approval of the administrator, and upon such terms as the accountable agency deems proper, grant a revocable permit to use, maintain and operate such property in any case in which it finds that the interests of the Government will be best served by such action.

§ 8320.13 *Options.* Marine industrial real property shall be declared surplus subject to any outstandinging rights of refusal or options to purchase or otherwise acquire, and nothing in this part shall be deemed to impair the right of any person to exercise any valid right of refusal or option. In no case, however, shall any owning agency sell or lease such property pursuant to such rights or options, but all dispositions pursuant to such rights or options shall be made by the disposal agency, which shall request the assistance of the owning agency when necessary. Upon the lapse or waiver of any such rights or options, the property shall be disposed of as promptly as possible in accordance with the provisions of this part.

§ 8320.14 *Disposal as marine industrial real property.* (a) If the Administrator classifies the property for disposal as marine industrial real property, there shall be imposed on its transfer or disposal any or all of the reservations, restrictions, and conditions requested pursuant to § 8320.7 hereof and approved by the Administrator. The disposal agency shall immediately undertake so to dispose of it as such. Notice of availability shall be given to Government agencies listed in Exhibit B, and to the State, political subdivisions thereof and any municipality in which it is situated and to all municipalities in the vicinity thereof, and to the general public; but such property which cost more than $500,000 may be disposed of in accordance with this part only with prior written approval by the Administrator.

(b) The disposal agency shall widely publicize the property, giving information adequate to inform interested or prospective tranferees as to the general nature of the property, and any reservations, restrictions, or conditions that have been imposed as to its future use. Such publicity shall be by public advertising, and may include press releases, direct circularization to potential transferees, and personal interviews. The disposal agency shall upon request supply to bona fide prospective transferees all available information. The disposal agency shall establish procedures so that all prospective transferees showing due diligence will be given full and complete opportunity to bid.

(c) All proposals made by any person interested in the acquisition of any marine industrial real property shall be in writing and, in addition to the financial terms upon which the proposal is predicated shall set forth their willingness to abide by the terms, conditions, and restrictions upon which the property is offered, and shall contain such information as the disposal agency may request. Any information submitted the disclosure of which might tend to subject the person submitting it to a competitive business disadvantage shall upon request be held in strict confidence by the disposal agency and by any other Government agency to which it is made available.

§ 8320.15 *Priorities for Government agencies and State or local governments.* (c) *Priorities.* Government agencies shall be accorded first priority to acquire surplus marine industrial real property hereunder for their use: *Provided*, That the Smaller War Plants Corporation shall have such priority to purchase any such property for its use and for resale or lease to small business when in its judgment such disposition is authorized by section 18 (c) of the Act. State or local governments shall be accorded second priority hereunder. If the property is offered for disposition subject to reservations, restrictions or conditions, all priorities shall be exercised subject thereto.

(b) *Time and method of exercise.* The priorities provided for by the act and established hereunder may be exercised at any time prior to the execution of a binding contract for disposal of the property. A priority holder wishing to exercise his priority shall indicate his intention to do so by making an offer for the purchase or lease of the property or by submitting to the disposal agency a written application requesting that the property be held for disposal to the priority holder. Such offer or application shall state the price or rental that the applicant is willing to pay, or state that a transfer without reimbursement or transfer of funds is authorized by law, and shall give all pertinent facts pertaining to the applicant's need for the property. If the applicant shall require time to acquire funds or to obtain the authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an offer or an application with such a statement the disposal agency shall forward a copy thereof, together with its recommendation to the Surplus Property Administrator. The Administrator will review the application, determine what time (if any) shall be allowed applicant to conclude the aequisition of the property, and advise the disposal agency and the applicant of such determination. During the time thus allowed the property may not be disposed of to any other person.

(c) *Determination between claimants having same priority.* Whenever two or more Government agencies or two or more State or local governments, respectively, shall make acceptable offers for the same property, the disposal agency shall determine, on the basis of the relative needs of the claimants, which offer to accept of those within the same class of priority. No disposal of such property shall be made until five (5) days after the claimants have been notified of such determination, and, if any claimant shall feel aggrieved by such determination and shall so notify the disposal agency in writing within such five (5) days, the disposal agency shall report the matter in writing to the Surplus Property Administrator setting forth all the facts, including the basis of the respective claims and of the determination by the disposal agency together with any statements in writing that the claimants or any of them may wish to file with the Administrator. The Administrator will review the matter and report his determination to the disposal agency. Pending such determination by the Administrator, no disposal of such property shall be made. The Administrator's determination shall be final for all purposes.

§ 8320.16 *Valuation.* (a) The disposal agency shall establish its estimate of the fair value of the property. The estimate of fair value shall represent the maximum price which a well-informed buyer, acting intelligently and voluntarily, would be warranted in paying if he were acquiring the property for long-term investment or for continued use in the light of the obligations to be assumed by the buyer.

(b) If at any time prior to the sale of the property conditions affecting its value change, the disposal agency shall modify its estimate accordingly.

(c) For the purpose of establishing its estimate of fair value of the property, the disposal agency may utilize the services of its own staff, the staff of another Federal agency or, where deemed necessary, independent appraisers, and shall maintain an adequate written record to support its estimate: *Provided, however,* That no appraisal will be made otherwise than by the disposal agency's own staff when transfer to a Government agency without reimbursement or transfer of funds is contemplated. Each appraisal, record or report shall contain the appraiser's certificate that he has no interest, direct or indirect, in the property or its sale. In cases where owning agencies submit appraisal reports which contain adequate and reliable information, the disposal agency may use such information in establishing its estimate of the fair value of the property.

§ 8320.17 *Prices.* (a) In accordance with the requirements of section 12 (c) of the act, all transfers of marine industrial real property to Government agencies as provided for in this part shall be at a price which is substantially the same as the estimate of fair value, unless transfer without reimbursement or transfer of funds is otherwise authorized by law. The disposal agency shall make such transfers of marine industrial real property to Government agencies without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by law to the agency desiring such property.

(b) The price at which State and local governments or their instrumentalities shall be entitled to acquire such property by purchase or lease shall be determined by the disposal agency, or by the Administrator if the offer has been referred by the disposal agency to the Administrator for approval, after taking into consideration actual proposals received, and the obligations to be assumed by the purchaser or lessee under the conditions of sale or lease imposed by the Administrator. If the property is offered for sale or lease without reservations, restrictions or conditions, State and local governments shall be entitled to acquire the surplus real property at the fair value thereof as determined by the disposal agency.

(c) Sale of such property to any purchaser other than a buyer entitled to a priority shall be at a price approximating the estimate of fair value as established by the disposal agency and shall be made at the highest price obtainable, except that the applicable objectives of the act may be taken into consideration in rejecting offers regardless of their amounts or in selecting a buyer from among equal bidders.

§ 8320.18 *Submission to Attorney General.* In any case in which property cost $1,000,000 or more, a complete statement of the proposed disposal to any private interests which has been tentatively decided upon shall be made available to the Attorney General as required by section 20 of the act.

§ 8320.19 *Form of disposal.* The form of deed or instrument of disposal shall be approved by the Attorney General. Disposal shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and unless the use of such a deed is recommended and approved by the Attorney General as provided in the act.

§ 8320.20 *Conditions in instrument of disposal.* Any deed, lease or other instrument executed to dispose of marine industrial real property under this part, subject to reservations, restrictions or conditions as to the future use, maintenance or transfer of the property, shall recite all representations and agreements pertaining thereto and shall contain provisions in effect:

(1) That upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferee, the title, right of possession, or other right disposed of shall at the option of the Government revert to the Government upon demand; and

(2) That any such property subject to any reservation, restriction or condition may be successively transferred only with the consent of the owning agency or its successor Government agency and with the proviso that any such transferee assumes all the obligations imposed by the disposal agency in the disposal to the original purchaser.

§ 8320.21 *Restrictions on dismantling.* (a) No fixtures, machinery or equipment shall be removed by the disposal agency from any property subject to this part except such as is determined by the disposal agency in writing not to be essential to the operation of the property for the purposes for which it determines that the property should be disposed of. In connection with the leasing of any property subject to this part, the disposal agency may, however, in any case sell to the lessee any personal property located on or used in the operation of the property and not affirmed to the realty.

(b) No surplus property shall be dismantled by the disposal agency or disposed of to any person who does not expect to operate it at the place where it is located, unless the governments of the State and of each political subdivision in which such property is physically located have been given at least thirty (30) days' notice by the disposal agency of its intention to dismantle such property or dispose of it to a person who intends to dismantle it. If within such thirty (30) days any such government shall indicate an interest in acquiring such plant, it shall be given a reasonable additional opportunity to submit an offer of application pursuant to § 8320.15.

(c) A property may be disposed of to a person for the purpose of dismantling and exporting it only after at least fifteen (15) days' prior written notice to the Administrator.

§ 8320.22 *Disposals under laws other than the Surplus Property Act.* (a) Disposals of surplus marine industrial real property shall not be made under laws other than the Surplus Property Act but shall be made only by the disposal agency in strict accordance with the provisions of this part or by the owning agency pursuant to the provisions of Part 8318,[2] unless the Surplus Property Administrator upon written application by the owning agency shall consent in writing to a different procedure.

§ 8320.23 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Surplus Property Administrator in such manner as may be specified by orders issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8320.24 *Regulations to be reported to the Administrator.* Each owning and disposal agency shall file with the Surplus Property Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This part shall become effective December 22, 1945.

W. STUART SYMINGTON,
Administrator.

EXHIBIT A—INFORMATION TO BE COMPILED PURSUANT TO § 8320.10

(1) Legal description of property, including exact location and area.
(2) Plot plans and map of vicinity.
(3) Description of roads and other means of transportation part of or adjacent to the premises.
(4) General information relative to local housing in non-urban areas, transportation, power and water supplies, and sewage systems.
(5) Description of buildings as to type and design, floor areas, roof loads, clearances, type of construction, and fire protection.
(6) Booklet plans showing ship ways, docks, water frontage, plate shop, machine shop, and administration building.

EXHIBIT B

Government agencies to be given notice of impending disposal by mail:
Department of Treasury.
Department of War.
Department of the Navy.
Department of the Interior.
Department of Commerce.
U. S. Maritime Commission.
Smaller War Plants Corporation.
Veterans' Administration.
Reconstruction Finance Corporation.
The mail address of these agencies is Washington 25, D. C.

[F. R. Doc. 45-23146; Filed, Dec. 29, 1945; 11:41 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard: Department of the Treasury

[Gen. Order 1-46]

TRANSFER OF COAST GUARD TO DEPARTMENT OF TREASURY

Pursuant to the authority vested in me by Executive Order No. 9666, dated December 28, 1945 (11 F.R. 1) and by various acts of Congress applicable to the

[2] 10 F.R. 14404.

Coast Guard, it is hereby directed that all orders, regulations, directives and other instructions issued by the Secretary of the Navy while the Coast Guard has been operating as a part of the Navy, and in effect on December 31, 1945, shall, to the extent that they effect the Coast Guard and are not inconsistent with any law applicable to the Coast Guard when operating under the Treasury Department, be continued in effect until modified, repealed, or superseded.

Any action of the Secretary of the Navy required by or in the administration of any such order, regulation, directive, or other instruction shall, in lieu thereof, be treated and considered as action required of the Secretary of the Treasury.

Dated: January 1, 1946.

FRED M. VINSON,
Secretary of the Treasury.

[F. R. Doc. 46-15; Filed, Jan. 2, 1946; 10:03 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

RADIO COMMUNICATION

Sections 4.143a to 4.143f, governing radio communication in the Canal Zone so far as concerns or affects vessels in Canal Zone waters or the navigation of such waters, are revoked.

(Rules 9 and 172, E.O. 4314, Sept. 25, 1925 as amended (35 CFR 4.11; 35 CFR, Cum. Supp., 4.143))

J. C. MEHAFFEY,
Governor.

DECEMBER 18, 1945.

[F. R. Doc. 46-1; Filed, Jan. 2, 1946; 9:40 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4482, and 4488, as amended, 40 Stat. 602, as amended, 49 Stat. 1384; 1544, 54 Stat. 163–167, 1028 (46 U.S.C. 375, 391a, 404, 475, 481, 288, 369, 367, 526–526t, 463a), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed and shall be made effective January 11, 1946:

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

Section 28.4–3 *Buoyant materials* is amended by deleting paragraph (c) *Kapok.*

PART 29—ENFORCEMENT

Section 29.8 (e) (2) is amended to read as follows:

§ 29.8 *Procedure relating to numbering of motorboats.* * * *

(e) * * *.

(2) In cases of sale or transfer by a citizen to a noncitizen, the purchaser shall submit an application for a certificate of award of number to the District Coast Guard Officer having jurisdiction over the district in which the vessel is owned. If the vessel is 1,000 gross tons or over, or if the vessel is or has been previously documented under the laws of the United States, there shall be filed with the application a certified copy of the transfer order of the U. S. Maritime Commission approving such sale or transfer. The District Coast Guard Officer shall indorse upon the certificate of award of number how the sale was approved by the U. S. Maritime Commission.

Subchapter D—Tank Vessels

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

LIFE PRESERVERS

Section 37.6–3 *Buoyant materials—TB/ALL* is amended by deleting paragraph (c) *Kapok.*

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.55 *Life preservers* is amended by deleting subparagraph (3) *Kapok* under paragraph (e) *Buoyant materials.*

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.48 *Life preservers* is amended by deleting subparagraph (3) *Kapok* under paragraph (e) *Buoyant materials.*

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.52 *Life preservers* is amended by deleting subparagraph (3) *Kapok* under paragraph (e) *Buoyant materials.*

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.52 *Life preservers* is amended by deleting subparagraph (3) *Kapok* under paragraph (e) *Buoyant materials.*

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.44 *Life preservers* is amended by deleting subparagraph (3) *Kapok* under paragraph (e) *Buoyant materials.*

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

Section 144.4 (d) is amended to read as follows:

§ 144.4 *Structural strength, fire control, materials of construction.* * * *

(d) *Deck coverings, overlays and insulations.* (1) All deck areas shall be classified as "A–1", "B–1", "B", or "A" depending upon the nature of the space and the space below it. The location requirements for the various classes of decks shall be as noted in Figure 144.4 (d) (1).

(2) Decks of the various classes as noted below, while subject to the standard fire test reaching 1700° F., at the end of one hour, shall be capable of withstanding the passage of flame for the one hour period. In addition, the average temperature on the unexposed surface shall not rise more than 250° F., above the original temperature nor shall the temperature at any point rise more than 325° F., above the original temperature within the times listed below:

Class A–1—60 minutes.
Class B–1—30 minutes.
Class B—15 minutes.
Class A—0 minutes.

(3) Insulation to produce the values in subparagraph (2) may be obtained by means of an approved deck covering, approved insulation under the deck, approved bulkhead or sheathing material as a ceiling, or any combination of the above.

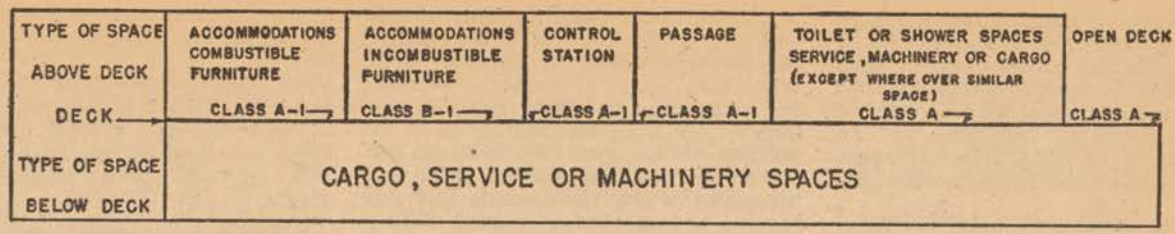
(4) Decks within accommodation spaces may have an overlay in general not exceeding ⅜" in thickness. Greater thicknesses may be separately approved by the Commandant for specific locations. This overlay need not meet the specifications for an approved deck covering, and will not be considered as giving any insulating value.

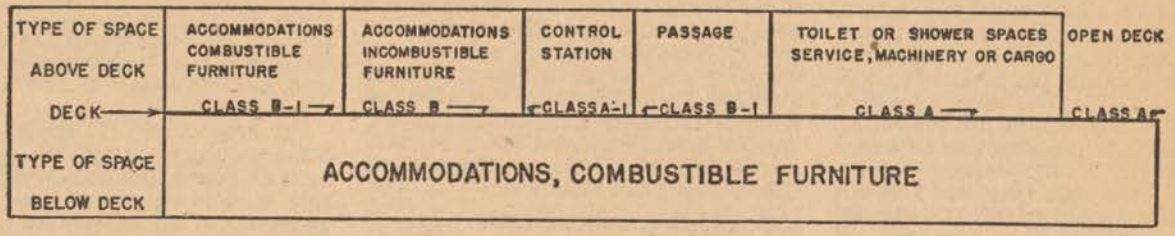
(5) Decks in toilet spaces or washrooms, service, cargo, and machinery spaces, and open decks may have an overlay in any thickness. This overlay need not meet the requirements for an approved deck covering.

(6) Rugs and carpets may be used on any deck with the exception of decks within passageways or stairway enclosures.

(7) Spaces containing incombustible furniture will be considered as those spaces in which the frames of all furniture are made of metal or approved incombustible materials.

(8) Overlays within operating rooms shall be of a type which is acceptably electrically conductive in nature.





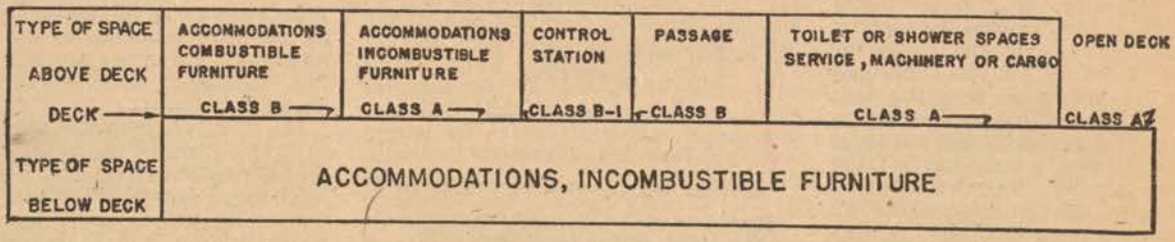


FIGURE 144.4 (d)(1)

LOCATIONS FOR VARIOUS TYPES OF DECKS

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 157—ENFORCEMENT

Part 180 is hereby redesignated as Part 157 with the title, "Enforcement."

Section 180.1 is redesignated as § 157.1 with the heading, "Reports of Violations."

Dated: December 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-23141; Filed, Dec. 29, 1945; 11:40 a. m.]

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.006—LIFE PRESERVERS; REPAIRING, RE-COVERING AND CLEANING

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4482, 4488, and 4491, as amended, sec. 11, 35 Stat. 428, as amended, 49 Stat. 1544, 54 Stat. 163–167, sec. 5, 55 Stat. 244 (46 U.S.C. 375, 391a, 404, 475, 481, 489, 396, 367, 526–526t, 50 U.S.C. 1275), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), a new Subchapter Q—*Specifications* is established in Chapter I, starting with Part 160—*Lifesaving Equipment,* and the following new regulations are prescribed, which shall be in effect on and after January 11, 1946:

Sec.

§ 160.006-1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 160.006-2 *Repairing*—(a) *General.* No repairs, except in emergency, shall be made to an approved life preserver without advance notice to the Officer in Charge, Marine Inspection, of the district in which such repairs are to be made. Emergency repairs shall be reported as soon as practicable to the Officer in Charge, Marine Inspection.

(b) *Kind of repairs.* Except in emergency, tapes or straps may not be repaired, but may be renewed, and small holes, tears, or rips in the envelope cover fabric may be repaired, at the discretion of the Officer in Charge, Marine Inspection.

§ 160.006-3 *Re-covering*—(a) *General.* Life preservers of approved types may be recovered in accordance with the requirements for new life preservers of the same type in effect at the time the re-covering is done, i. e., the buoyant inserts may be removed and inserted into new envelope covers, provided that all the materials and construction meet the requirements and tests for new life preservers of its type.

(b) *Marking.* In addition to the marking provided for new life preservers of the same type, re-covered life preservers shall be plainly marked in waterproof ink with the words "Re-Covered By" to appear immediately before or above the name and address of the manufacturer.

(c) *Inspections and tests.* Re-covered life preservers shall be subjected to the same inspections and tests as are provided for new life preservers of the same type.

(d) *Procedure for approval.* The procedure for obtaining approval to re-cover life preservers shall be the same as for obtaining approval to manufacture new life preservers of the same type.

§ 160.006-4 *Cleaning life preserver envelopes or covers*—(a) *General.* The envelopes or covers of life preservers of the removable filler type, i. e., cork, balsa wood, and removable pad fibrous filler types, may be cleaned or laundered by removing the buoyant fillers during the cleaning or laundering process and reinserting them into the envelopes or covers.

(b) *Procedure for approval.* No formal approval is required, but application for permission to clean or launder life preserver envelopes or covers where the buoyant fillers are removed during the cleaning process, shall be made to the District Coast Guard Officer of the district in which the work is to be done, and the District Coast Guard Officer may grant such permission at his discretion.

§ 160.006-5 *Cleaning life preservers (where buoyancy fillers are not removed from envelope covers during cleaning process)*—(a) *General.* Only life preservers of approved types shall be admitted to cleaning. Neither the formula

for the cleaning solution nor the time and temperature limits are prescribed or restricted by this subpart, except that the strength of the tapes and fabric shall not be unduly lessened by the cleaning and the cleaned life preservers shall be in good condition and satisfactorily pass the buoyancy requirements specified below.

(b) *Inspections and tests*—(1) *General.* An inspector shall examine all cleaned life preservers at the place the work is done. Life preservers having tears, rips, weakened or broken straps, excessive weight, or other abnormalities as compared to new life preservers, shall be eliminated. He shall select from each lot of 250 or less cleaned life preservers, at least five life preservers to be tested for buoyancy. If the specimen life preservers all pass the buoyancy test described in § 160.006–5 (b) (2), the lot shall be acceptable as to buoyancy. If any one of the specimen life preservers fails the buoyancy test, ten additional specimen life preservers shall be selected at random from the lot and tested for buoyancy. If all of the ten additional specimen life preservers pass the test, the lot shall be acceptable as to buoyancy. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. Rejected lots may be tested 100% by the cleaner and all non-conforming units eliminated, whereupon the remainder of the lot may be resubmitted for official inspection. When any specimen life preserver shall fail the buoyancy test, ten specimen life preservers shall be selected at random and tested from the next succeeding lot submitted for official inspection. When the inspector has satisfied himself that the life preservers are of approved types, are in good condition, and are satisfactory as to buoyancy as shown by the tests of representative specimens, they shall be plainly marked in waterproof ink with the word "Passed, (inspector's initials), (port), (date)."

(2) *Buoyancy test.* The specimen cleaned life preserver shall be tested for buoyancy by placing it in a weighted wire cage which shall be submerged two hours in a tank of water so the top is approximately two inches below the surface. The weights shall be more than sufficient to submerge the cage with the inclosed life preserver. The buoyancy shall be determined to equal the weight of the weighted cage in water less the weight of the weighted cage in water with the life preserver inside. The adult life preserver shall support not less than 16½ pounds net weight, and the child life preserver shall support not less than 11 pounds net weight.

(c) *Marking.* Each life preserver cleaned or laundered shall be plainly marked in waterproof ink at or near the center of the jacket with the words "Cleaned By (name and address of company), (date)."

(d) *Procedure for approval.* Approval for cleaning or laundering life preservers as a unit, with the buoyancy fillers inside the covers, the whole being subjected to the cleaning or laundering process, is granted only by the Commandant, United States Coast Guard, Washington 25, D. C. Correspondence pertaining to the subject matter of this subpart shall be addressed to the District Coast Guard Officer of the district in which the factory is located. In order for a company to obtain approval, an inspector will be detailed to select at random not less than four specimen life preservers from among used, soiled life preservers offered for cleaning and will observe the specimens selected during the cleaning process in order to ascertain that they are cleaned in accordance with the company's stated description of the process. The cleaned specimen life preservers, together with four copies of the complete description of the procedure, including the formula for the cleaning solution and time and temperature for various operations, shall then be forwarded through the District Coast Guard Officer to the Commandant.

Dated: December 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–23142; Filed, Dec. 29, 1945; 11:40 a. m.]

PART 164—MATERIALS

SUBPART 164.003—KAPOK, PROCESSED

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4482, 4488, and 4491, as amended, sec. 11, 35 Stat. 428, as amended, 49 Stat. 1544, 54 Stat. 163–167, sec. 5, 55 Stat. 244 (46 U.S.C. 375, 391a, 404, 475, 481, 489, 396, 367, 526–526t, 50 U.S.C. 1275), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), a new Part 164—*Materials* is added to Subchapter Q—*Specifications*, and the following new regulations are prescribed, which shall be in effect on and after January 11, 1946:

Sec.
164.003–1 Applicable specifications.
164.003–2 Grades.
164.003–3 Material and workmanship.
164.003–4 Inspections and tests.
164.003–5 Procedure for approval.

§ 164.003–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 164.003–2 *Grades.* (a) Processed kapok shall be of but one grade as hereinafter specified.

§ 164.003–3 *Material and workmanship.* (a) The raw kapok fiber shall be long, clean, creamy white in color, lustrous, free from discoloration and adulteration with other fiber, and of a quality equal to that grown in Java.

(b) Kapok shall be processed by teasing in a machine using the air-blow method. Mechanical separation of fiber masses is permitted, but machines using violent beating which breaks down the fibers or causes undue powdering or pulverizing are not permitted. Provision shall be made for trapping seeds and heavy objects in gravity traps and the dust or powder in an efficient dust collector.

(c) Processed kapok shall have a buoyancy in fresh water of at least 48 pounds per cubic foot when tested in accordance with § 164.003–4 (d). Rejected kapok shall not be used in life-saving products inspected by the Coast Guard.

(d) The processed kapok shall contain not more than 5 percent by weight of sticks, seeds, dirt or other foreign material and shall be free from objectionable odor and adulteration with other fibers.

§ 164.003–4 *Inspections and tests.* (a) Kapok fibers to be used in a finished product subject to inspection by the Coast Guard shall be subject to inspection and tests at the plant of the manufacturer of such product, who shall furnish the necessary testing tank, test cages, and scales.

(b) Acceptance of kapok prior to being incorporated into finished products, or during the course of manufacture, shall in no case be construed as a guarantee of the acceptance of the finished product.

(c) Not less than a one-pound sample from each 1,000 pounds of kapok shall be tested for buoyancy by the inspector. At his discretion, the inspector may select additional samples for tests if deemed advisable.

(d) The buoyancy test shall be made with 16 ounces of processed kapok uniformly packed in a rigid wire box or cage with metal reinforced edges, and submerged by weights in a tank of fresh water to a depth of 12 inches below the surface of the water, measurement made to the top of box, for 48 hours. The test box shall be cylindrical in shape, and as nearly as practicable ⅓ cubic foot in volume, 4 inches deep, 13.54 inches diameter, all inside measurements; constructed of about 0.065 inch galvanized iron wire with about ¼ inch mesh, and lined with about 0.007 inch copper wire screen about 18 meshes to the inch, to prevent the kapok from pushing out through the larger wire meshes. At the end of forty-eight hours submergence, the buoyancy shall be determined by subtracting the submerged weight of the box, accessory weights and kapok from the submerged weight of the box and weights without the kapok, and dividing the remainder by the volume of the kapok expressed in cubic feet.

(e) Kapok fiber shall, at the option of the inspector, be subjected to a microscopic examination to detect adulteration with other fiber.

(f) Processed kapok shall, at the option of the inspector, be subjected to separation of kapok fibers from foreign matter by hand, the portions of each weighed, and percentage of foreign matter computed for compliance with § 164.003–3 (d).

§ 164.003–5 *Procedure for approval.* (a) Processed kapok is not subject to formal approval, but will be accepted by the inspector on the basis of this subpart for use in the manufacture of life-saving equipment utilizing it.

Dated: December 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–23143; Filed, Dec. 29, 1945; 11:42 a. m.]

PART 164—MATERIALS

SUBPART 164.004—KAPOK, REPROCESSED

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4482, 4488, and 4491, as amended, sec. 11, 35 Stat. 428, as amended, 49 Stat. 1544, 54 Stat. 163–167, sec. 5, 55 Stat. 244 (46 U.S.C. 375, 391a, 404, 475, 481, 489, 396, 367, 526–526t, 50 U.S.C. 1275), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), Part 164—*Materials* is amended by adding a new Subpart 164.004 and the following new regulations are prescribed, which shall be in effect on and after January 11, 1946:

Sec.
164.004–1 Applicable specifications.
164.004–2 Grades.
164.004–3 Material and workmanship.
164.004–4 Inspections and tests.
164.004–5 Procedure for approval.

§ 164.004–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 164.004–2 *Grades.* (a) Reprocessed kapok shall be of but one grade as hereinafter specified.

§ 164.004–3 *Material and workmanship.* (a) Kapok taken from life preservers is suitable for reclaiming and reprocessing; except that all soiled, discolored, powdered, oil-soaked, badly damaged and badly lumped portions, or parts showing other abnormalities as compared to new kapok, shall be discarded.

(b) Kapok taken from pillows, mattresses, hassocks, or other such articles is not suitable.

(c) Reclaimed kapok shall be reprocessed by teasing in a machine using the air-blow method. Mechanical separation of fiber masses is permitted, but machines using violent beating which breaks down the fibers or causes undue powdering or pulverizing are not permitted. Provision shall be made for trapping seeds and heavy objects in gravity traps and the dust or powder in an efficient dust collector.

(d) Reprocessed kapok, when mixed with new kapok, shall have a buoyancy in fresh water of at least 48 pounds per cubic foot when tested in accordance with § 164.004–4 (d). Rejected reprocessed kapok shall not be used in lifesaving products inspected by the Coast Guard.

(e) Reprocessed kapok shall be thoroughly mixed in the air-blow teasing machine with new kapok in the ratio of one part reprocessed kapok to one part new kapok.

(f) Reprocessed kapok shall contain not more than 5 percent by weight of sticks, seeds, dirt or other foreign material and shall be free from objectionable odor and from adulteration with other fibers.

§ 164.004–4 *Inspections and tests.* (a) Reprocessed kapok to be used in a finished product subject to inspection by the Coast Guard shall be subject to inspection and tests at the plant of the manufacturer of such product, who shall furnish the necessary testing tank, test cages, and scales.

(b) Acceptance of reprocessed kapok prior to being incorporated into finished products, or during the course of manufacture, shall in no case be construed as a guarantee of the acceptance of the finished product.

(c) Not less than a one-pound sample from each 1,000 pounds of reprocessed kapok shall be tested for buoyancy by the inspector. At his discretion, the inspector may select additional samples for tests if deemed advisable.

(d) The buoyancy test shall be made with 16 ounces of reprocessed kapok uniformly packed in a rigid wire box or cage with metal reinforced edges, and submerged by weights in a tank of fresh water to a depth of 12 inches below the surface of the water, measurement made to the top of box, for 48 hours. The test box shall be cylindrical in shape, and as nearly as practicable ⅓ cubic foot in volume, 4 inches deep, 13.54 inches diameter, all inside measurements; constructed of about 0.065 inch galvanized iron wire with about ¼ inch mesh, and lined with about 0.007 inch copper wire screen about 18 meshes to the inch, to prevent the reprocessed kapok from pushing out through the larger wire meshes. At the end of 48 hours submergence, the buoyancy shall be determined by subtracting the submerged weight of the box, accessory weights and reprocessed kapok from the submerged weight of the box and weights without the reprocessed kapok, and dividing the remainder by the volume of the reprocessed kapok expressed in cubic feet.

(e) Reprocessed kapok shall, at the option of the inspector, be subjected to a microscopic examination to detect adulteration with other fiber.

(f) Reprocessed kapok shall, at the option of the inspector, be subjected to separation of kapok fibers from foreign matter by hand, the portions of each weighed, and percentage of foreign matter computed for compliance with § 164.004–3 (f).

§ 164.004–5 *Procedure for approval.* (a) Reprocessed kapok is not subject to formal approval, but will be accepted by the inspector on the basis of this subpart for use in the manufacture of lifesaving equipment utilizing it.

Dated: December 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–23144; Filed, Dec. 29, 1945; 11:42 a. m.]

PART 164—MATERIALS

SUBPART 164.006—DECK COVERINGS (INTERIM SPECIFICATIONS)

By virtue of the authority vested in me by R. S. 4405, 4417a, and 4426, as amended, 49 Stat. 1384, 1544, 54 Stat. 1028, 55 Stat. 244 (46 U.S.C. 375, 391a, 404, 369, 367, 463a, 50 U.S.C. 1275), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), Part 164—*Materials* is amended by adding a new Subpart 164.006, and the following new regulations are prescribed, which shall be in effect on and after January 11, 1946:

Sec.
164.006–1 Applicable specifications.
164.006–2 Grades.
164.006–3 Construction, materials, and workmanship.
164.006–4 Inspection and testing.
164.006–5 Procedure for approval.

§ 164.006–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 164.006–2 *Grades.* (a) Deck coverings shall be of but one grade as hereinafter specified, and shall be known as "an approved deck covering."

§ 164.006–3 *Construction, materials, and workmanship.* (a) It is the intent of this specification to obtain a deck covering made largely of incombustible materials with low heat transmission qualities which will produce a minimum of smoke when exposed to high temperatures.

(b) Deck coverings shall be of such a quality as to successfully pass all of the tests set forth in § 164.006–4.

§ 164.006–4 *Inspection and testing.* (a) All tests shall be conducted at the National Bureau of Standards or other laboratories designated by the Coast Guard.

(b) *Smoke tests.* (1) Samples covering the range of thicknesses desired to be used shall be tested for smoke emission. Samples shall be laid on ¼" x 12" x 27" steel plates. Normal protective coatings and deck attachments shall be incorporated in the samples.

(2) The samples shall be heated in a furnace whose temperature is limited to the standard decking curve reaching 1325° F. at the end of one hour. Smoke observations shall be made at intervals not greater than five minutes during the one-hour period of test.

(3) Instantaneous values of the percent of light transmission shall be calculated from the observations noted in § 164.006–4 (b) (2). A plot of light transmission values shall be made using straight lines between instantaneous values.

(4) Any instantaneous value of 10 percent light transmission or less shall be considered sufficient cause for rejection of a deck covering.

(5) Average values of light transmission shall be calculated for 15, 30, and 60 minutes. Averages shall be an arithmetic mean with values taken at one minute intervals from the plotted curve noted in § 164.006–4 (b) (3). If any of the three average values of light transmission is less than any of the values set forth below, it will be considered sufficient cause for rejection of a deck covering:

15 minutes—90 percent light transmission.
30 minutes—60 percent light transmission.
60 minutes—50 percent light transmission.

(c) *Fire resistance and integrity tests.* (1) Samples of representative deck constructions not less than 4½ feet wide and 8½ feet long finished with deck coverings in the thicknesses as noted in § 164.006–4 (b) (1) shall be heated in a furnace whose temperature is controlled according to the standard fire exposure curve reaching 1700° F. at the end of one hour.

Temperature of the unexposed side as indicated by not less than 5 thermocouples under 0.40 inch asbestos pads shall be observed at intervals not greater than 5 minutes during the one-hour period of test.

(2) Data from these tests shall be analyzed to determine the thicknesses necessary to limit the average temperature rise on the unexposed surface to 250° F. above the original temperature or the maximum rise at any thermocouple location to 325° F. above the original temperature at the end of 15, 30, and 60 minutes.

(3) A total load of 150 pounds shall be applied to the deck coverings during the fire resistance tests. This load shall be applied by means of an indenting tool having three flat areas each having a diameter of one inch. At the end of the one-hour period, the depth of the depression shall be noted.

(4) Excessive cracking, buckling, or disintegration may be considered cause for rejection.

(d) *Organic carbon content test.* (1) The organic carbon content shall be determined and shall not exceed 0.12 grams per cubic centimeter of the molded deck covering.

§ 164.006–5 *Procedure for approval.* (a) If a manufacturer desires to have a deck covering approved, a request shall be presented to the Commandant of the Coast Guard, together with the following information:

(1) A complete list of ingredients for the deck covering giving the percentages of each by weight. A sample of each ingredient shall be submitted in such a quantity as to make approximately two pounds of the deck-covering mixture.

(2) The range of thicknesses in which it is proposed to lay the deck covering together with any information the manufacturer may have as to maximum or minimum thicknesses.

(3) The trade name and designation of the deck covering.

(4) Description of method of attachment to or protection of the steel deck. If an adhesive or protective coating is used, a liberal sample shall be supplied.

(5) A sample of the molded deck covering at least 6" square and ¼" thick.

(b) The above information will be submitted by the Coast Guard to the National Bureau of Standards for consideration. If the organic carbon content is below the specified maximum and the decking is otherwise suitable, the manufacturer will be so advised. The number and thicknesses of samples to be submitted will be specified at this time.

(c) If the deck covering is indicated as being suitable, the manufacturer shall then submit the following:

(1) Two samples of each thickness to be tested, each laid on a ¼" x 12" x 27" steel plate, for the purpose of the smoke tests noted in § 164.006–4 (b).

(2) Sufficient bulk material (unmixed) to lay a sample one inch thick on an area of 12" x 27".

(3) One sample 4½ feet by 8½ feet of each thickness to be subjected to the fire resistance test. Plate to be ¼ inch thick with beams spanning the long dimension of the plate.

(4) A check for $50 made payable to the National Bureau of Standards for each set of two samples submitted for smoke tests. The cost of the fire resistance test will be borne by the government.

(d) The above material will be submitted to the National Bureau of Standards by the Coast Guard for testing. The tests noted in § 164.006–4 will be conducted and a report submitted to the Coast Guard.

(e) The manufacturer will then be advised if his material is approved under this specification, and if it is, in what thicknesses it may be laid, and in what thicknesses it must be laid to meet the requirements for Class A–1, Class B–1 and Class B decks, without the use of any other insulating material. If approved, this information, together with the weight per square foot per one inch thick, will be published in the FEDERAL REGISTER.

Dated: December 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45–23145; Filed, Dec. 29, 1945; 11:42 a. m.]

Subchapter P—General Provisions

PART 180—ENFORCEMENT

CROSS REFERENCE: See Part 157 of this chapter.

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6936]

OLD DOMINION BROADCASTING CORP.

NOTICE OF HEARING

In re application of Old Dominion Broadcasting Corporation (New); date filed, September 12, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Lynchburg, Virginia; operation assignment specified: frequency, 1390 kc., power, 1 kw.; [1] hours of operation, unlimited time. File No. B2–P–3978.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Piedmont Broadcasting Corporation (WBTM), Danville, Virginia (File No. B2–P–4137; Docket No. 6938); and John M. Rivers (WCSC), Charleston, South Carolina (File No. B3–P–4136; Docket No. 6939), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Old Dominion Broadcasting Corporation, 218 Woodland Avenue, Lynchburg, Virginia.

Dated at Washington, D. C., December 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–16; Filed, Jan. 2, 1946; 10:20 a. m.]

[Docket No. 6938]

PIEDMONT BROADCASTING CORP.

NOTICE OF HEARING

In re application of Piedmont Broadcasting Corporation (WBTM), date filed, October 5, 1945, for construction permit to change frequency etc.; class of service, standard broadcast; class of station, standard broadcast; location, Danville, Virginia; operating assignment specified: frequency, 1390 kc.; power, 1 kw.[1];

[1] Directional antenna for day and night.

hours of operation, unlimited time. File No. B2–P–4137.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Old Dominion Broadcasting Corporation, Lynchburg, Virginia (File No. B2–P–3978; Docket No. 6936); and John M. Rivers (WCSC), Charleston, South Carolina (File No. B3–P–4136; Docket No. 6939), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the Station WBTM as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of Station WBTM as proposed and the character of other broadcast service available to these areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of Station WBTM as proposed would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WBTM proposed would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the station as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Piedmont Broadcasting Corporation, Hotel Danville Building, Danville, Virginia.

Dated at Washington, D. C., December 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–17; Filed, Jan. 2, 1946; 10:20 a. m.]

[Docket No. 6939]

JOHN M. RIVERS

NOTICE OF HEARING

In re application of John M. Rivers (WCSC), date filed October 8, 1945, for construction permit to increase power, etc.; class of service, standard broadcast; class of station, standard broadcast; location, Charleston, S. C.; operating assignment specified: Frequency, 1390 kc; power 5 kw. N,[1] 5 kw. D; hours of operation, unlimited time. File No. B3–P–4136.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Old Dominion Broadcasting Corporation, Lynchburg, Virginia (File No. B2–P–3978; Docket No. 6936); and Piedmont Broadcasting Corporation (WBTM), Danville, Virginia (File No. B2–P–4137; Docket No. 6938), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate Station WCSC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WCSC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WCSC as proposed would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WCSC as proposed would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the station as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

[1] Directional antenna for night use.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

John M. Rivers, Francis Marion Hotel, Charleston, South Carolina.

Dated at Washington, D. C., December 26, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18; Filed, Jan. 2, 1946; 10:20 a. m.]

[Docket No. 6802]

CONSTITUTION PUBLISHING CO.

NOTICE OF HEARING

In re application of The Constitution Publishing Co. (New), date filed October 8, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Atlanta, Georgia; operating assignment specified: frequency 550 kc, power 1 kw night direct. antenna, 5 kw day, hours of operation, unlimited time. File No. B3–P–4086.

You are hereby notified that the Commission has examined the application in the above-entitled case and designated the matter for hearing in consolidation with the applications of New Mexico Publishing Co. Santa Fe, New Mexico (File No. B5–P–3932, Docket No. 6803); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Va. (File No. B2–P–3753, Docket No. 6804); Booth Radio Stations, Inc., Saginaw, Mich. (File No. B2–P–4088, Docket No. 6805); Federated Publications, Inc. Lansing, Michigan (File No. B2–P–4010, Docket No. 6806); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2–P–4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5–P–3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri File No. B4–P–4089, Docket No. 6809); Caprock Broadcasting Co., Lubbock, Texas (File No. B3–P–4090, Docket No. 6810); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3–P–3608, Docket No. 6661), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be ren-

dered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing United States broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station CHW, Havana, Cuba, and whether such proposed operation would be in accordance with the provisions of the North American Regional Broadcasting Agreement (Appendix II, Table I).

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine whether the operation of the proposed station would result in interference to Naval communications.

10. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

The Constitution Publishing Company, 148 Alabama Street S. W., Atlanta, Georgia.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-19; Filed, Jan. 2, 1946; 10:20 a. m.]

[Docket No. 6803]

NEW MEXICO PUBLISHING CO.

NOTICE OF HEARING

In re application of New Mexico Publishing Company (New), date filed: August 8, 1945; for Construction Permit; class of service, Broadcast; class of station, Broadcast; location, Santa Fe, New Mexico; operating assignment specified: frequency, 550 kc, power,[1] 1 kw; hours of operation, unlimited time. File No. B5-P-3932.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia, (File No. B3-P-4086, Docket No. 6802); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Va. (File No. B2-P-3753, Docket No. 6804); Booth Radio Stations, Inc., Saginaw, Mich. (File No. B2-P-4088, Docket No. 6805); Federated Publications, Inc., Lansing, Michigan (File No. B2-P-4010, Docket No. 6806); WJIM, Inc., (WJIM), Lansing Mich. (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri (File No. B4-P-4089, Docket No. 6809); Caprock Broadcasting Co., Lubbock, Texas (File No. B3-P-4090, Docket No. 6810); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3-P-3608, Docket No. 6661), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stasion would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

The New Mexico Publishing Company, 202 E. Marcy Street, Santa Fe, New Mexico.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-20; Filed, Jan. 2, 1946; 10:20 a. m.]

[1] Directional antenna.

[Docket No. 6804]

SHENANDOAH VALLEY BROADCASTING CORP.

NOTICE OF HEARING

In re application of Shenandoah Valley Broadcasting Corporation (WSVA); date filed, October 31, 1944; for construction permit for change in hours of operation, installation of D. A. for night use, and change in transmitter location; class of service, broadcast; class of station, broadcast; location, Harrisonburg, Virginia; operating assignment specified: frequency, 550 kc; power, 1 kw night Direct. Antenna, 1 kw day; hours of operation, unlimited time. File No. B2-P-3753.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia (File No. B3-P-4086, Docket No. 6802); New Mexico Publishing Co., Santa Fe, New Mexico (File No. B5-P-3932, Docket No. 6803); Booth Radio Stations, Inc., Saginaw, Michigan (File No. B2-P-4088, Docket No. 6805); Federated Publications, Inc., Lansing, Michigan (File No. B2-P-4010, Docket No. 6806); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri, File No. B4-P-4089, Docket No. 6809); Caprock Broadcasting Co., Lubbock, Texas (File No. B3-P-4090, Docket No. 6810); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3-P-3608, Docket No. 6661), on the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation and of its officers, directors and stockholders to construct and operate Station WSVA as proposed.

2. To determine the areas and populations which may be expected to gain

or lose primary service from the proposed operation of Station WSVA and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WSVA would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operation of Station WSVA would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed operation of Station WSVA would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Shenandoah Valley Broadcasting Corporation, Newman Building, Harrisonburg, Virginia.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-21; Filed, Jan. 2, 1946; 10:20 a. m.]

[Docket No. 6661]

RADIOPHONE BROADCASTING STATION WOPI, INC.

NOTICE OF HEARING

In re application of Radiophone Broadcasting Station WOPI, Inc. (WOPI), date filed May 3, 1944; for construction permit to change frequency, increase power, make changes in transmitting equipment and install D. A. for day and night; class of service, broadcast, class of station, broadcast, location, Bristol, Tennessee; operating assignment specified: frequency 550 kc, power 500 kw [1] night, 1 kw day. Hours of operation: Unlimited time. File No. B3-P-3608.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia (File No. B3-P-4086, Docket No. 6802); New Mexico Publishing Co., Sante Fe, New Mexico (File No. B5-P-3932, Docket No. 6803); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Va., (File No. B2-P-3753, Docket No. 6804); Booth Radio Stations, Inc., Saginaw, Michigan (File No. B2-P-4088, Docket No. 6805); Federated Publications, Inc., Lansing, Michigan (File No. B2-P-4010, Docket No. 6806); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri (File No. B4-P-4089, Docket No. 6809); Caprock Broadcasting Co., Lubbock, Texas (File No. B3-P-4090, Docket No. 6810); on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation and of its officers, directors and stockholders to construct and operate Station WOPI as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WOPI and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station WOPI would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operation of Station WOPI would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed operation of Station WOPI, at the proposed transmitter site, will be consistent with the Commission's rules and Standards of Good Engineering Practice and particularly as to the populations residing within the 250 mv/m ("blanket area") contour.

7. To determine whether the proposed operation of Station WOPI would result in interference to Naval communications.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Radiophone Broadcasting Station WOPI, Inc., 410 State Street, Bristol, Tennessee.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-22; Filed, Jan. 2, 1946; 10:21 a. m.]

[Docket No. 6809]

PULITZER PUBLISHING CO.

NOTICE OF HEARING

In re application of The Pulitzer Publishing Co. (KSD), date filed, October 5, 1945, for Construction permit to increase power, install new transmitter and new D. A. for night use and change transmitter location; class of service, Standard Broadcast; class of station, Standard Broadcast; location, St. Louis, Missouri; operating assignment specified: frequency 550 kc, power 5 kw [1] night, 5 kw day; hours of operation, unlimited time. File No. B4-P-4089.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia (File No. B3-P-4086, Docket No. 6802); New Mexico Publishing Co., Santa Fe, New Mexico, (File No. B5-P-3932, Docket No. 6803); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Va., (File No. B2-P-3753, Docket No. 6804); Booth Radio Stations, Inc., Saginaw, Michigan (File No. B2-P-4088, Docket No. 6805); Federated Publications, Inc., Lansing, Michigan (File No. B2-P-4010, Docket No. 6806); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Caprock Broadcasting Co., Lubbock, Texas (File No. B3-P-4090, Docket No. 6810); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3-P-3608, Docket No. 6661); on the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation and of its officers, directors and stockholders to construct and operate Station KSD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the pro-

[1] Directional antenna day and night.

[1] Directional antenna for night use.

posed operation of Station KSD and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operation of Station KSD would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operation of Station KSD would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed operation of Station KSD would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

The Pulitzer Publishing Company (Radio Station KSD), 1111 Olive Street, St. Louis, Missouri.

Dated at Washington, D. C., Decem- 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-23; Filed, Jan. 2, 1946; 10:21 a. m.]

[Docket No. 6805]

BOOTH RADIO STATIONS, INC.

NOTICE OF HEARING

In re application of Booth Radio Stations, Inc. (new); date filed, October 8, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Saginaw, Michigan; operating assignment specified: frequency, 550 kc; power, 1 kw day and night; directional antenna for day and night use; hours of operation, unlimited time. File No. B2-P-4088.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia (File No. B3-P-4086, Docket No. 6802); New Mexico Publishing Co., Santa Fe, New Mexico (File No. B5-P-3932, Docket No. 6803); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Virginia (File No. B2-P-3753, Docket No. 6804); Federated Publications, Inc., Lansing, Michigan (File No. B2-P-4010, Docket No. 6806); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri (File No. B4-P-4089, Docket No. 6809); Caprock Broadcasting Co., Lubbock, Texas (File No. B3-P-4090, Docket No. 6810); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3-P-3608, Docket No. 6661), on the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which if any of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Booth Radio Stations, Inc., 3100 Eaton Tower, Detroit 26, Michigan.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-24; Filed; Jan. 2, 1946; 10:21 a. m.]

[Docket No. 6806]

FEDERATED PUBLICATIONS, INC.

NOTICE OF HEARING

In re application of Federated Publications, Inc. (new); date filed, September 24, 1945; for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Lansing, Michigan; operating assignment specified, frequency, 550 kc; power, 1 kw; directional antenna day and night; hours of operation, unlimited time. File No. B2-P-4010.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia (File No. B3-P-4086, Docket No. 6802); New Mexico Publishing Co., Santa Fe, New Mexico (File No. B5-P-3932, Docket No. 6803); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Virginia (File No. B2-P-3753, Docket No. 6804); Booth Radio Stations, Inc., Saginaw, Michigan (File No. B2-P-4088, Docket No. 6805); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri (File No. B4-P-4089, Docket No. 6809); Caprock Broadcasting Co., Lubbock, Texas (File No. B3-P-4090, Docket No. 6810); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3-P-3608, Docket No. 6661), on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available or proposed to become available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the

availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141, and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Federated Publications, Inc., 34-42 West State Street, Battle Creek, Michigan.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-25; Filed, Jan. 2, 1946; 10:21 a. m.]

[Docket No. 6810]

CAPROCK BROADCASTING CO.

NOTICE OF HEARING

In re application of Caprock Broadcasting Company (New), date filed October 17, 1945, for construction permit; class of service, standard broadcast; class of station, standard broadcast; location, Lubbock, Texas; operating assignment specified: Frequency, 550 kc.; power, 500 w[1] night; 500 w[1] day; hours of operation, unlimited time. File No. B3-P-4090.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of The Constitution Publishing Co., Atlanta, Georgia (File No. B3-P-4086, Docket No. 6802); New Mexico Publishing Co., Santa Fe, New Mexico (File No. B5-P-3932, Docket No. 6803); Shenandoah Valley Broadcasting Corp. (WSVA), Harrisonburg, Va. (File No. B2-P-3753, Docket No. 6804); Booth Radio Stations, Inc., Saginaw, Michigan (File No. B2-P-4088, Docket No. 6805); Federated Publications, Inc., Lansing, Michigan (File No. B2-P-4010, Docket No. 6806); WJIM, Inc. (WJIM), Lansing, Michigan (File No. B2-P-4087, Docket No. 6807); Montana Broadcasting and Television Co., Anaconda, Montana (File No. B5-P-3993, Docket No. 6808); Pulitzer Publishing Co. (KSD), St. Louis, Missouri (File No. B4-P-4089, Docket No. 6809); Radiophone Broadcasting Station WOPI, Inc. (WOPI), Bristol, Tennessee (File No. B3-P-3608, Docket No. 6661); on the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation and of its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast services available or proposed to become available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows:

Caprock Broadcasting Company, 1805 Broadway, Lubbock, Texas.

Dated at Washington, D. C., December 14, 1945.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-26; Filed, Jan. 2, 1946; 10:21 a. m.]

WAR SHIPPING ADMINISTRATION.

"MICKEY MOUSE"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress).

Whereas on June 11, 1942 title to the vessel "Mickey Mouse" (234830) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *;

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: December 29, 1945.

E. S. LAND, *Administrator.*

[F. R. Doc. 45-23166; Filed, Dec. 29, 1945; 2:41 p. m.]

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[1] Directional antenna day and night.

INTERSTATE COMMERCE COMMISSION.

[S. O. 418]

EMBARGO OF LESS CARLOAD FREIGHT AT OMAHA, NEBR., AND VICINITY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of December A. D. 1945.

It appearing, that there is a congestion in freight houses of certain rail carriers serving Omaha, Nebraska, and Council Bluffs, Iowa, and that the said rail carriers are unable to accept the less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those points to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

Embargo of less carload freight at Omaha and Council Bluffs. (a) The Chicago, St. Paul, Minneapolis and Omaha Railway Company and the Chicago and North Western Railroad Company, shall not accept any outbound less-than-carload shipment of freight at Omaha, Nebraska, or Council Bluffs, Iowa, except such freight loaded by shipper which does not require handling through railroad freight houses.

(b) *Effective date.* This order shall become effective at 12:01 a. m., December 29th, 1945.

(c) *Expiration date.* This order shall expire at 11:59 p. m., January 5, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-23136; Filed, Dec. 29, 1945; 11:12 a. m.]

[S. O. 419]

EMBARGO OF LESS CARLOAD FREIGHT SIOUX CITY, IOWA, AND VICINITY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of December, A. D. 1945.

It appearing, that there is a congestion in freight houses of certain rail carriers serving Sioux City, Iowa, and South Sioux City, Nebraska, and that the said rail carriers are unable to accept the less-than-carload traffic offered to them for movement over their lines; the Commission is of opinion an emergency exists requiring immediate action at those points to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

Embargo of less carload freight at Sioux City and South Sioux City. (a) The Chicago, Burlington and Quincy Railroad Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings, and George I. Haight, Trustees), Chicago and North Western Railroad Company, Chicago, St. Paul, Minneapolis and Omaha Railway Company and the Great Northern Railway Company, shall not accept any outbound less-than-carload shipment of freight at Sioux City, Iowa, or South Sioux City, Nebr., except such freight loaded by shipper which does not require handling through railroad freight houses.

(b) *Effective date.* This order shall become effective at 12:01 a. m., December 29th, 1945.

(c) *Expiration date.* This order shall expire at 11:59 p. m., January 4, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-23137; Filed, Dec. 29, 1945; 11:12 a. m.]

[S. O. 420]

EMBARGO OF LESS CARLOAD FREIGHT AT CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of December, A. D. 1945.

It appearing, that there is a congestion in freight houses of certain rail carriers serving Chicago, Illinois, and that the said rail carriers are unable to accept the less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at that point to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

Embargo of less carload freight at Chicago, Illinois. (a) The Chicago, Burlington and Quincy Railroad Company, Chicago and North Western Railroad Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees), The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), Illinois Central Railroad Company and the Atchison, Topeka and Santa Fe Railway Company, shall not accept any outbound less-than-carload shipment of freight at Chicago, Illinois, except such freight loaded by shipper which does not require handling through railroad freight houses.

(b) *Effective date.* This order shall become effective at 12:01 a. m., December 29th, 1945.

(c) *Expiration date.* This order shall expire at 11:59 p. m., January 7, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-23138; Filed, Dec. 29, 1945; 11:12 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-6, Revocation]

DIRECTING POOLING OF PRIVATELY OWNED COVERED HOPPER CARS USED IN CARBON BLACK TRANSPORTATION SERVICE

Pursuant to Executive Order 8989, as amended, Special Order ODT R-6 (8 F.R. 12672) is hereby revoked effective January 1, 1946.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183)

Issued at Washington, D. C., this 29th day of December 1945.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 45-23135; Filed, Dec. 29, 1945; 10:27 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SO 119, Order 38]

MORRIS FURNITURE MANUFACTURING CO. INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

and pursuant to Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* Morris Furniture Mfg. Co., Inc., of 4433 South Alameda Street, Los Angeles, California, may increase by no more than 13% of its ceiling prices, as adjusted by paragraph (d) of Order No. 1052 under Maximum Price Regulation No. 188, for sales to each class of purchaser of the wood household furniture which it manufactures. This increase in ceiling prices need not be separately stated on the invoice; however, the adjustment charge permitted by paragraph (d) of Order No. 1052 may be made and collected only if it is separately stated on the invoice.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of any article which the manufacturer sells at a price adjusted in accordance with this order, shall determine their maximum resale prices in the following manner:

(1) A retailer who must determine his ceiling prices under Maximum Price Regulation No. 580 by the use of a pricing chart shall compute his ceiling prices in the manner provided by that regulation.

(2) A wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590 shall find his ceiling price in the manner provided by that regulation.

(3) A purchaser for resale who must determine his maximum prices under the General Maximum Price Regulation, and who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of that regulation, except that it need not be currently offered for sale, shall find his ceiling prices according to the method and procedure set forth in that section using as his "cost" his invoice cost, but not including any separately stated adjustment charge.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620–759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(4) If a purchaser for resale cannot determine his ceiling price under any of the above methods, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances, on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) All requests not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 28th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23132; Filed, Dec. 28, 1945; 4:41 p. m.]

[MPR 64, Order 230]

J. B. SLATTERY & BRO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of five models of gas ranges manufactured by the J. B. Slattery & Bro., Inc. 171 Wallabout Street, Brooklyn 6, N. Y.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax are those set forth below:

Model	Maximum prices for sales by wholesale distributors to retail dealers		
	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*
3741HC	$51.71	$53.74	$55.74
3741EW	46.41	48.44	50.47
3041HC	46.87	48.62	50.33
3041EWI	41.59	43.31	45.03
2144EJ	36.45	37.83	39.42

These prices are f. o. b. wholesale distributor's city. If any of the above ranges are sold equipped with a cover top the seller may add $0.87 to the applicable ceiling price shown above for the range. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Maximum prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
3741HC	$77.95	$86.50	$89.75	$92.95
3741EW	69.50	78.25	81.50	84.75
3041HC	71.95	78.95	81.75	84.50
3041EWI	63.75	70.75	73.50	76.25
2144EJ	57.95	62.75	64.95	67.50

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $6.00 from his maximum price as shown above for sales on an installed basis. If, at the request of the purchaser, the dealer furnishes any of the above ranges equipped with a cover top he may add $1.35 to the applicable ceiling price listed above for the particular stove. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumer in each zone, the area included in each zone, and that $1.35 may be added to the applicable ceiling price shown if, at the request of the purchaser, the range is sold equipped with a cover top. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $6.00 less than the price shown on the label.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following areas:

Zone 1: The state of New Jersey; the District of Columbia; and the Metropolitan areas of the cities of New York, New York, Philadelphia, Pennsylvania, Wilmington, Delaware, and Baltimore, Maryland.

Zone 2: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Illinois, Tennessee, North Carolina, South Carolina, Georgia, New York except the metropolitan area of the city of New York, Pennsylvania except the metropolitan area of the city of Philadelphia, Maryland except the metropolitan area of the city of Baltimore, Delaware except the metropoliton area of the city of Wilmington.

Zone 3: Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, South Dakota, North Dakota, Minnesota and Wisconsin.

Zone 4: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon and Washington.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of January 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23042; Filed, Dec. 28, 1945; 11:35 a. m.]

[MPR 64, Order 231]

AUTO STOVE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of three models of gas ranges manufactured by the Auto Stove Works, Spring & Benton Streets, New Athens, Ill.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax are those set forth below:

Model	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
1641-FA	Bungalow range.	$80.97	$83.18	$85.53	$87.84
4116-FA	Gas range.	61.23	62.80	64.36	65.77
E490-X	....do.....	28.77	29.52	30.14	30.96

These prices are f. o. b. wholesale distributor's city. If the wholesale distributor sells Model E-490-X gas range equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	*Amount which may be added*
Heat Control	$6.11
Patrol flash lighter	1.12
Full insulation	2.25

In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
1641-FA	Bungalow range	$134.95	$138.50	$142.25	$145.95
4116-FA	Gas range.	101.25	103.75	106.25	108.50
E490-X	....do.....	50.75	51.95	52.95	54.25

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $9.00 in the case of gas bungalow ranges and $6.00 in the case of gas ranges not of the bungalow type from his maximum price as shown above for sales on an installed basis. If the retailer sells Model E-490-X gas range equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	*Amount which may be added*
Heat control	$9.50
Patrol flash lighter	1.75
Full insulation	3.50

In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a statement of the articles of optional equipment included in that price and a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the bungalow type and $6.00 less than the price shown on the label, if the range is not of the bungalow type.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Illinois.

Zone 2: New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Louisiana and Nebraska.

Zone 3: Florida, North Dakota, South Dakota, Wyoming, Utah, Colorado, Texas, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

Zone 4: Washington, Oregon, California, Montana, Idaho, Nevada, Arizona and New Mexico.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of January 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23043; Filed, Dec. 28, 1945; 11:37 a. m.]

[MPR 64, Order 232]

ADVANCE STOVE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of the three models of gas ranges manufactured by the Advance Stove Works, 21 Read Street, Evansville 7, Ind.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax are those set forth below:

Model	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
25-G-2	Bungalow range.	$62.20	$64.70	$67.20	$69.82
301-E-17	Combination range.	95.30	98.74	102.18	105.93
401-E-17	.....do.....	104.11	108.05	111.95	115.99

These prices are f. o. b. wholesale distributor's city. If the wholesaler sells a stove equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below, opposite that item of equipment:

Additional equipment:	*Amount which may be added*
Oven heat control	$7.23
Water front	5.15
Vent (for Model 25-G-2)	97
For liquid petroleum	97

In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
25-G-2	Bungalow range.	$105.75	$109.75	$113.75	$117.95
301-E-17	Combination range.	157.25	162.75	168.25	174.25
401-E-17	.....do.....	170.95	177.25	183.50	189.95

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $9.00 from his maximum price as shown above for sales on an installed basis. If the retailer sells a stove equipped with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	*Amount which may be added*
Oven heat control	$11.25
Water front	8.00
Vent (for Model 25-G-2)	1.50
For liquid petroleum	1.50

In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price

differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a statement of the articles of optional equipment included in that price and a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Illinois, Indiana, and Kentucky.

Zone 2: Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Tennessee, Mississippi, Michigan, Alabama, Ohio, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Nebraska, Kansas and Oklahoma.

Zone 3: Maine, Florida, Texas, South Dakota, North Dakota, Wyoming, Colorado and New Mexico.

Zone 4: Montana, Idaho, Utah, Arizona, Washington, Nevada, Oregon and California.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of January, 1946.

Issued this 28th day of December, 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23044; Filed, Dec. 28, 1945; 11:37 a. m.]

[MPR 64, Order 234]

RENOWN STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of twelve models of gas combination ranges manufactured by the Renown Stove Company, 1000 E. Exchange Street, Owosso, Mich.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

Model	Maximum prices for sales to retail dealers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
K-1105 Crest	$121.47	$126.19	$129.78	$133.53
S-1105 Crest	128.09	132.90	136.37	140.12
K-1115 Crest	133.04	137.91	141.35	145.10
S-1115 Crest	139.66	144.48	147.94	151.69
R-1125 Crest	144.32	148.98	152.45	156.35
R-1135 Crest	162.96	167.81	171.25	175.00
K-1005 Cameo	110.41	114.79	117.91	121.35
S-1005 Cameo	116.20	120.57	123.70	127.29
K-1015 Cameo	121.82	126.20	129.32	132.92
S-1015 Cameo	128.89	133.27	136.39	139.80
R-1025 Cameo	133.55	137.93	141.05	144.49
R-1035 Cameo	152.04	156.41	159.54	162.94

These prices are f. o. b. wholesale distributor's city. If a distributor sells any of the above ranges equipped with cover top, he may add $6.59 to the applicable ceiling price stated above for the Crest models and $5.11 for the Cameo models. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Maximum prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
K-1105 Crest	$197.95	$205.50	$211.25	$217.25
S-1105 Crest	208.25	215.95	221.50	227.50
K-1115 Crest	215.95	223.75	229.25	235.25
S-1115 Crest	226.25	233.95	239.50	245.50
R-1125 Crest	233.50	240.95	246.95	252.75
R-1135 Crest	262.50	270.25	275.75	281.75
K-1005 Cameo	180.75	187.75	192.75	198.25
S-1005 Cameo	189.75	196.75	201.75	207.50
K-1015 Cameo	198.50	205.50	210.50	216.25
S-1015 Cameo	209.50	216.50	221.50	226.95
R-1025 Cameo	216.75	223.75	228.75	234.25
R-1035 Cameo	245.50	252.50	257.50	262.95

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $9.00 from his maximum price as shown above for sales on an installed basis. If, at the request of the purchaser, the dealer furnishes any of the above ranges equipped with a cover top, he may add $10.25 to the applicable ceiling price listed above for the particular Crest model and $7.95 for the particular Cameo model. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone and that if at the request of the purchaser a Crest model is sold equipped with a cover top $10.25 may be added to the applicable ceiling price, or if a Cameo model is sold equipped with a cover top $7.95 may be added. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Michigan, Indiana, and Ohio.

Zone 2: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the District of Columbia.

Zone 3: Montana, Wyoming, Colorado, New Mexico, Texas, and Florida.

Zone 4: Washington, Oregon, Idaho, Arizona, Utah, Nevada, and California.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of January 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23046; Filed, Dec. 28, 1945; 11:37 a. m.]

[MPR 64, Order 233]

CALORIC GAS STOVE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of seven models of gas ranges manufactured by the Caloric Gas Stove Works, Widener Building, Philadelphia 7, Pa.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

Model	Article	Maximum prices for sales by wholesale distributors to retail dealers	
		Zone 2A	Zone 3A
		Each	*Each*
2518	36" range	$79.80	$82.45
2411	40" range	85.26	87.89
2418	Range	92.97	95.94
2468	do	115.46	118.59
3678	Bungalow	108.36	112.58
3688	do	128.13	132.35
2611	Range	72.24	74.90

These prices are f. o. b. wholesale distributor's city. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers					
		Zone 1	Zone 2	Zone 2A	Zone 3	Zone 3A	Zone 4
		Each	*Each*	*Each*	*Each*	*Each*	*Each*
2618	36" Range	$111.50	$115.50	$130.25	$119.25	$134.50	$121.95
2411	40" Range	119.25	122.95	138.75	126.75	142.95	129.50
2418	Range	129.50	133.50	150.75	137.50	155.50	140.50
2468	do	159.95	164.25	185.75	168.75	190.75	171.75
3678	Bungalow	151.75	157.75	177.75	163.50	184.50	167.75
3688	do	178.95	184.75	208.50	190.50	215.25	194.75
2611	Range	101.25	104.95	118.50	108.75	122.75	111.50

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $9.00 in the case of gas bungalow ranges and $6.00 in the case of gas ranges not of the bungalow type from his maximum price as shown above for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the bungalow type and $6.00 less than the price shown on the label if the range is not of the bungalow type.

(d) For purposes of this order Zones 1, 2, 2A, 3, 3A, and 4 comprise the following states:

Zone 1: Pennsylvania.

Zone 2: Minnesota, Missouri, Arkansas, Louisiana, Illinois, Tennessee, Mississippi, Michigan, Indiana, Kentucky, Ohio, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, District of Columbia, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, and New Jersey.

Zone 2A: Florida, Iowa, and Wisconsin.

Zone 3: North Dakota, South Dakota, Nebraska, Oklahoma, Texas, New Mexico, Colorado, and Wyoming.

Zone 3A: Kansas.

Zone 4: Montana, Idaho, Utah, Arizona, Nevada, Oregon, Washington, and California.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 11th day of January 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23045; Filed, Dec. 28, 1945; 11:37 a. m.]

[MPR 64, Order 235]

GAFFERS & SATTLER

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales at retail of the three models of gas ranges listed below manufactured by the Gaffers & Sattler, 4523-4637 E. 50th Street, Los Angeles, Calif. For sales in each zone by retail dealers to ultimate consumers, the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
K87	Bungalow range	$187.25	$190.95	$192.95	$198.75
876	Gas range	190.50	193.95	195.95	201.25
873	do	157.25	159.95	161.95	166.50

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting $9.00 in the case of bungalow ranges and $6.00 in the case of gas ranges not of the bungalow type from the maximum price shown above for his sales on an installed basis. If the retailer sells a stove equipped with either of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	*Amount which may be added*
L. A. accessory set	$13.75
L. O. accessory set	22.50

In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone, the area included in each zone, and that $13.75 may be added to the applicable ceiling price shown if, at the request of the purchaser, the range is sold equipped with an L. A. Accessory Set, or $22.50 may be added if, at the request of the purchaser, the range is sold equipped with an L. O. Accessory set. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the bungalow type and $6.00 less than the price shown on the label if the range is not of the bungalow type.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: The following counties in the southern part of California—Kern, Santa Barbara, Los Angeles, Ventura, Orange, Riverside, San Diego, and Imperial.

Zone 2: The state of California, except for the counties which are in Zone 1.

Zone 3: Nevada, Oregon, and Washington.

Zone 4: Idaho, Utah, Colorado, New Mexico, and Arizona.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of January 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23047; Filed, Dec. 28, 1945; 11:38 a. m.]

[MPR 64, Order 236]

ORBON STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales at retail of the five models of gas ranges listed below manufactured by the Orbon Stove Company, Belleville, Ill. For sales in each zone by retail dealers to ultimate consumers, the maximum prices, including the Federal excise tax, but not including any state or local taxes imposed at the point of sale are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
990-1	Gas range	$94.75	$96.75	$99.50	$101.50
795-1S	do	74.25	75.95	78.25	79.95
1542-3HB	do	50.95	51.95	53.25	54.25
A-3	Bungalow range.	91.75	94.50	98.25	101.25
795-2S	Gas range	65.95	67.50	69.95	71.50

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting $9.00 in the case of bungalow ranges and $6.00 in the case of gas ranges not of the bungalow type from the maximum price shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the bungalow type and $6.00 less than the price shown on the label if the range is not of the bungalow type.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Illinois.

Zone 2: New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the District of Columbia.

Zone 3: Montana, Wyoming, Colorado, New Mexico, Texas, Maine and Florida.

Zone 4: Idaho, Washington, Oregon, California, Nevada, Utah and Arizona.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of January 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23048; Filed, Dec. 28, 1945; 11:38 a. m.]

[MPR 64, Order 237]

AGRICOLA FURNACE CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 10 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Manufacturer's maximum prices.* The Agricola Furnace Co., Inc., Gadsden, Alabama, may increase by no more than 4.34 per cent, its maximum prices to each class of purchaser for the coal and wood cooking and heating stoves which it manufactures.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of such articles which the manufacturer has sold at a price adjusted in accordance with the provisions of paragraph (a) above shall determine their maximum prices for resales of the articles as follows:

(1) A purchaser for resale who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale shall calculate his maximum price by adding to his invoice cost the same markup which he had on that comparable article, according to the methods and procedure set forth in that section.

The determination of a maximum price in this way need not be reported to the Office of Price Administration. Each seller, however, must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a purchaser for resale cannot determine his maximum price under the above method, he shall apply to the Office of Price Administration for the establishment of his maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's customary terms, discounts, allowances, and other price differentials on sales to each class of purchaser in effect during March 1942, or established under applicable OPA regulations.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a maximum price adjusted in accordance with the terms of this order, the seller shall notify each purchaser in writing of the adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 28th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23049; Filed, Dec. 28, 1945; 11:38 a. m.]

[MPR 64, Order 238]

FLORENCE STOVE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales at retail of the six models of gas ranges listed below manufactured by the Florence Stove Company, Gardner, Mass. For sales in each zone by retail dealers to ultimate consumers, the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
A-9431	Gas range	$69.95	$71.95	$74.50	$77.25
A-9531	do	77.75	79.50	82.25	84.95
871	Combination range.	207.50	212.25	219.50	226.75
A-871-0	do	194.75	199.50	206.75	214.25
B9431	Gas range	69.95	71.95	74.50	77.25
B9531	do	77.75	79.50	82.25	84.95

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting $9.00 in the case of combination ranges and $6.00 in the case of gas ranges not of the combination type from his maximum price as shown above for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the combination type and $6.00 less than the price shown on the label if the range is not of the combination type.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Massachusetts, Connecticut, and Rhode Island.

Zone 2: Illinois, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Ohio, Michigan, Pennsylvania, New York, Vermont, New Hampshire, Maine, New Jersey, Delaware, Maryland, and the District of Columbia.

Zone 3: Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma.

Zone 4: Montana, Wyoming, Colorado, New Mexico, Texas, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of January, 1946.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23050; Filed, Dec. 28, 1945; 11:39 a. m.]

[MPR 86, Amdt. 1 to Order 23]

BENDIX HOME APPLIANCES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Section 14 of Maximum Price Regulation No. 86, *It is ordered:*

Order No. 23 is amended in the following respects:

1. Paragraph (a) (2) is amended to read as follows:

(2) Ceiling prices for sales by dealers in each zone for the models listed below are as follows:

Model	Dealers' ceiling prices to consumers		
	Zone 1	Zone 2	Zone 3
	Eac	*Each*	*Each*
Standard automatic	$169.50	$172.50	$179.50
De Luxe automatic	189.50	192.50	199.50

These ceiling prices include delivery and installation. In all other respects they are subject to each dealer's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

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

(b) For the purpose of this order, installation shall include setting up the machine and bolting it to the floor; making the hot and cold water connections; and providing two one-half inch shut-off valves and two pieces of rubber hose, each up to 4 feet in length, for water lines, and up to 5 feet of drain hose, and up to 5 feet of wire for connection to electric facilities provided by the purchaser.

This amendment shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23051; Filed, Dec. 28, 1945; 11:39 a. m.]

[MPR 86, Order 31]

VIDRIO PRODUCTS CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 14 of Maximum Price Regulation No. 86, *It is ordered:*

(a) This order establishes ceiling prices for sales of four models of washing machines manufactured by the Vidrio Products Corporation, 3920 Calumet Avenue, Chicago, Ill.

(1) Distributors shall determine their ceiling prices for sales to dealers of the model listed in subparagraph (2) below in accordance with the provisions of section 15 of Maximum Price Regulation No. 86.

(2) The ceiling price for sales by dealers in the 48 states and the District of Columbia is as follows:

Article	Model	Dealers' ceiling price to consumers—48 States and District of Columbia
		Each
Electric washer	700 Baby Grande	$15.95
	1910 Master Grande	17.95
	1920 T—Table Model	24.50
	1920 R—Roll Away	29.50

These ceiling prices are subject to each retail seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each distributor, the manufacturer shall notify the distributor that he shall establish his ceiling prices for resales to dealers in accordance with section 15 of Maximum Price Regulation No. 86.

(c) All the provisions of Maximum Price Regulation No. 86 continue to apply to all sales and deliveries of machines covered by this order, except to the extent that those provisions are modified by this order.

(d) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 86 shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23052; Filed, Dec. 28, 1945; 11:39 a. m.]

[MPR 188, Revocation of Order 4711]

AMERICAN METAL PRODUCTS CO.

ESTABLISHMENT OF MAXIMUM PRICES

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

That Order No. 4711 is revoked subject to revision in Supplementary Order No. 40.

This order shall become effective on the 28th of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23060; Filed, Dec. 28, 1945; 11:41 a. m.]

[MPR 188, Order 4792]

FERRO-CO CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Ferro-Co Corporation, 20 Wythe Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (3 units or more)	Retailers (less than 3 units)	Consumers
Convection heater	4501	*Each* $6.26	*Each* $7.40	*Each* $7.97	*Each* $11.95

These maximum prices are for the articles described in the manufacturer's application dated December 14, 1945. These prices include the Federal excise tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4792
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Ferro-Co Corporation
20 Wythe Avenue
Brooklyn, New York
Model No. ------
OPA Retail Ceiling Price—$------
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23054; Filed, Dec. 28, 1945; 11:39 a. m.]

[MPR 188, Order 4793]

ELGIN NATIONAL WATCH CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Elgin National Watch Company, Elgin, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Per dozen	*Per dozen*	*Per dozen*
Plastic nylon watch strap (no buckle)	952	$5.05	$7.20	$12
Plastic nylon watch strap, steel buckle	9521	5.76	8.40	15

These maximum prices are for the articles described in the manufacturer's application dated November 29, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23055; Filed, Dec. 28, 1945; 11:39 a. m.]

[MPR 188, Order 4795]

ARDOLT, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ardolt, Incorporated, 29 East 32d Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
		Each	*Each*	*Each*
Highly hand decorated china table lamp without shade	150	$12.03	$14.15	$25.45
	120	10.96	12.90	23.20
Crepe silk 16" drum lamp shade	16 DR	3.83	4.50	8.10

These maximum prices are for the articles described in the manufacturer's application dated December 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23057; Filed, Dec. 28, 1945; 11:40 a. m.]

[MPR 188, Order 4794]

RIVAL MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of juice-o-mats manufactured by the Rival Manufacturing Company, 15th and Wabash Avenue, Kansas City, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Dept. stores	Small retailers	Consumers
		Each	*Each*	*Each*	*Each*
Juice-O-Mats.	4-61-B "Colonial."	$2.50	$3.00	$3.33	$5.00
	PR-63 Princess Royal.	2.22	2.67	2.97	4.45

These maximum prices are for the articles described in the manufacturer's application dated November 21 and December 10, 1945.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct model number and retail prices properly filled in:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23056; Filed, Dec. 28, 1945; 11:40 a. m.]

[MPR 188, Order 4796]

ECONOMY LAMP WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Economy Lamp Works, 1100 West Washington Boulevard, Chicago 7, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
14" hand sewn rayon bengaline lamp shade with valence and braid trim	14	*Each* $2.34	*Each* $2.75	*Each* $4.95
18" hand sewn rayon bengaline lamp shade with valance and braid trim	18	2.80	3.30	5.95
Plated white metal and onyx table lamp (no shade)	511 & 512	4.05	4.77	8.60
Plated white metal and onyx junior floor lamp with glass diffuser	501	7.60	8.95	16.10
Plated white metal student bridge lamp with glass diffuser	502	7.60	8.95	16.10
Plated white metal junior floor lamp with glass diffuser	504	7.60	8.95	16.10
Plated white metal and onyx junior floor lamp with glass diffuser	506 & 508	8.46	9.95	17.90
Plated white metal and onyx student floor lamp with glass diffuser	507	8.46	9.95	17.90
Plated white metal student bridge lamp with glass diffuser	505	8.46	9.95	17.90
Plated white metal torchiere (no reflector included)	500	8.08	9.50	17.10
Plated white metal and onyx torchiere (no reflector included)	513	9.78	11.50	20.70
Plated white metal and onyx student floor lamp with glass diffuser	509	9.78	11.50	20.70

These maximum prices are for the articles described in the manufacturer's application dated October 11, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23058; Filed, Dec. 28, 1945; 11:40 a. m.]

[MPR 188, Order 4798]

TEBOR INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Tebor, Incorporated, 45 West 25th Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Vitrified china table lamp on metal mounting and with hand sewn silk shade	3175	$6.12	$7.20	$12.95
	3176	6.12	7.20	12.95

These maximum prices are for the articles described in the manufacturer's application dated December 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after

the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 29th day of December 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23059; Filed, Dec. 28, 1945; 11:41 a. m.]

[MPR 389, Order 32]

KINGAN AND CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On October 29, 1945, Kingan and Company, Indianapolis, Indiana, filed an application for the establishment of maximum prices on sales of the sausage product known as "Souse" packed in 10 pound fiber tubs, and made in accordance with the individual secret formula submitted by the applicant. That application was assigned Docket No. 6036.3-389-2 (a)-38.

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in that opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of section 2 (a) (6) of Maximum Price Regulation No. 389, *It is ordered:*

(a) That the maximum prices other than at retail for the sausage product known as "Souse" and made by Kingan and Company, Indianapolis, Indiana, in accordance with the individual formula submitted to the Office of Price Administration with the application for this order, shall be determined by the seller as follows:

(1) The base price for this product is established at $18.75 per hundredweight.

(2) To the base price should be added the proper zone differential provided in section 12 (b) of Maximum Price Regulation No. 389 for sausage containing meat and meat by-products from swine only. In determining the proper zone differential to be added, the zone descriptions provided in section 14 of Maximum Price Regulation No. 389 shall be used.

(3) That to the sum of the base price plus the applicable zone differential the "Permitted Additions to base prices" provided in section 12 (c) of Maximum Price Regulation No. 389 may be added when applicable.

(b) That with the first delivery of "Souse" to a wholesaler, peddler truck seller or intermediate distributor, Engan and Company shall supply each such seller with a written notice in the following form:

(Insert date)

Our OPA ceiling price for "Souse" has been established by the Office of Price Administration at the base price of $18.75 per hundredweight, to which may be added the zone differentials provided in section 12 (b) of Maximum Price Regulation No. 389 (see section 14 for zone boundaries), plus the permitted additions of section 12 (c). We are required to inform you that if you are a wholesaler, a peddler truck seller or an intermediate distributor you must figure your ceiling prices for this product pursuant to the same sections of Maximum Price Regulation No. 389.

(c) That with the first delivery of "Souse" to a retailer, the seller shall supply such retailer with a written notice in the following form:

(Insert date)

Our OPA ceiling price for "Souse" has been established by the Office of Price Administration. We are required to inform you that if you are a retailer, you must figure your ceiling price for this item in accordance with the provisions of Maximum Price Regulation No. 336.

(d) That all pertinent provisions of Maximum Price Regulation No. 389, including the descriptive labelling and invoicing provisions of section 4, the recording and reporting provisions of section 6, and the definitions of section 13, in addition to the pricing provisions of paragraphs (b) and (c) of section 12, shall be applicable to all sales made under this order.

(e) All prayers of the application not herein granted are denied.

(f) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

This Order No. 32 shall become effective December 29, 1945.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23062; Filed, Dec. 28, 1945; 11:41 a. m.]

[SO 108,[1] Amdt. 2 to Special Order 5[2]]

TOLERANCES OVER 1943 AVERAGE PRICES

An opinion accompanying this amendment to Special Order No. 5 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order 5 is amended in the following respects:

1. Section 3 is amended by deleting the percentage tolerances listed for the following categories and substituting therefor the percentage tolerances listed below:

Category:	*Percent*
A-37	10
A-40	10
A-95b	5
A-97b	5
C-10	30
C-12	15
E-18b	5
E-37b	5
E-39b	5
E-41b	5
E-43b	5
E-45b	5
E-47b	5
E-131	10
F-1	15
F-3	30
F-4	5
F-7	30
F-8	5
F-11	30
F-13	10
F-21	10
C-21	15

2. Section 4 is added to read as follows:

SEC. 4. *Amendment of quarterly reports.* If you delivered, during the 3d quarter of 1945, one of the categories listed in this amendment 2 to this order, and if, as a result of this amendment, you wish to correct your quarterly report for the 3d quarter of 1945, you may file a corrected report for the 3d quarter of 1945, provided that such corrected report is filed on or before January 20, 1946.

This amendment shall become effective December 28, 1945.

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

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23131; Filed, Dec. 28, 1945; 4:41 p. m.]

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[1] 10 F.R. 4336, 5995, 6402, 8368, 10200, 12089, 12984.

[2] 10 F.R. 12171, 13425.

[MPR 188, Order 4800]

FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188; *It is ordered:*

ARTICLE I—INTRODUCTORY PROVISION

Sec.

ARTICLE I—INTRODUCTORY PROVISIONS

SECTION 1. *Purposes of this order.* As a result of material shortages and direct cost increases during the war period, low and medium priced furniture has disappeared from the market to a substantial degree; and production of furniture has been concentrated on the higher priced brackets of individual manufacturers' price lines. The purposes of Executive Orders Nos. 9250, 9328, 9599, and 9651 encompass the maintenance of stability both in prices and in price lines. The Price Administrator is satisfied that the price increases on sales of each manufacturers' low and medium priced furniture items permitted by this order will generally remove price impediments to the production of such articles. As a consequence, no increase in the cost of living will occur since production in lower-priced lines will enable consumers to buy less expensive furniture, (even though at prices higher for comparable articles in some cases than they paid in March 1942), instead of being limited, as at present, to offerings in the higher-priced lines only. At the same time, manufacturers whose production by price lines has become distorted during the war, will be enabled to resume production in a normal balance of price lines.

SEC. 2. *What this order covers.* (a) This order covers articles of wood household furniture, including upholstered furniture, and any other article listed in Appendix A, or belonging in categories listed in Appendix B or C, with the exception of any article whose maximum price was established under the "cost method" of Order No. 4332 under Maximum Price Regulation No. 188 and certain articles listed in paragraph (b) of this section. As used in this order the term "household furniture" means furniture which is primarily designed for and used in homes. Articles of this type are covered even though they are sold for use in places other than household, such as hotels, clubs, institutions, and ships. "Household furniture" includes:

Living room furniture.
Dining room furniture.
Bedroom furniture (including wood and fabric folding cots).
Cedar chests.
Kitchen furniture.
Porch and outdoor furniture.
Juvenile furniture (including cribs, high chairs, bassinettes, bathinettes, play pens, porch and stair gates, and infants' toilet seats).
Dining room, dinette, breakfast room, and kitchen chair frames.
Bedroom chair and bench frames.
Frames for upholstered furniture.
Unfinished furniture which is ultimately sold to the consumer in that form.
Assembled wood household furniture parts.

(b) This order does not cover the following articles unless they are specifically listed in Appendix A, B, or C:

(1) Articles of bedding (such as springs and mattresses).

(2) Dual-purpose sleeping equipment (such as studio couches, sofa beds, davenport beds, and chair beds).

(3) Articles which are made in part of wood but which are made predominantly out of metal, glass, paper, plastics, paper fibres, rattan, peel, reed, or other fibres.

(4) Sand boxes and other articles for infants' amusement.

(5) Housewares (such as step-ladders, stool-ladders, ironing boards, towel stands or bars, clothes driers, hat and shoe racks, medicine and toilet cabinets).

(6) Miscellaneous furnishings (such as costumers, screens, and venetian blinds).

(7) Furniture and equipment for offices, stores, restaurants, commercial, and industrial uses.

(8) Public seating furniture (such as opera, theatre, or auditorium seats, bus seats, passenger cars, and pedestal chairs).

The word "you," as used in this order, means a manufacturer who makes a sale or delivery of articles covered by this order to a purchaser for resale. No adjustment of maximum prices on sales by a manufacturer to consumers is authorized.

SEC. 3. *What this order does.* This order provides two methods by which you may adjust your maximum prices for sales of most of the articles covered by this order. The first applies only to "essential low-end" articles and is set forth in section 4. The second applies to certain categories of all articles covered by this order, and is set forth in section 5 (for all-wood furniture) and section 6 (for upholstered furniture). Under this method you first divide each of your categories of articles (listed in Appendix B and C) into three price brackets, called "low bracket," "medium bracket," and "high bracket." A different percentage amount of adjustment is provided for each bracket. In addition, the maximum prices for articles covered by this order which are not eligible for adjustment under sections 4, 5, or 6, may be adjusted by the same amount as was originally provided in Order No. 1052 under Maximum Price Regulation No. 188.

This order replaces Order No. 1052 under Maximum Price Regulation No. 188, which is being revoked simultaneously with the issuance of this order.

ARTICLE II—"ESSENTIAL LOW-END" ADJUSTMENTS

SEC. 4. *Adjustments for manufacturers of certain "essential low-end" articles.* (a) Appendix A to this order contains a list of furniture articles together with a dollar-and-cents "cut-off point" for each type of article. All articles having properly established maximum prices (exclusive of all adjustment charges) which are below the appropriate cut-off point are called "essential low-end" articles in this order. The dollar-and-cent cut-off points listed in Appendix A are for sales to that class of retailer to whom you customarily sell at the highest price. To find the appropriate cut-off points for sales to each other class of purchaser you shall apply to the listed cut-off points your customary discounts and differentials on sales to that class of purchaser. If you cannot find your appropriate cut-off point in this way because you do not sell to retailers, your cut-off point on sales to the class of wholesalers to whom you customarily sell at the highest price is 13% less than the cut-off point listed in Appendix A.

(b) You may increase your maximum price (exclusive of all adjustment charges) for an essential low-end article by 25% of that maximum price, or the amount necessary to bring that maximum price up to the appropriate cut-off point, whichever is lower. No maximum price adjusted under this section may exceed the appropriate cut-off point as found under paragraph (a) of this section.

(c) You may adjust your maximum price for an essential low-end article under section 5 or 6, instead of under this section, if the amount of the adjustment permitted under section 5 or 6 results in an adjusted maximum price higher than the appropriate cut-off point.

ARTICLE III—"PRICE BRACKET" ADJUSTMENTS

SEC. 5. *"Price-bracket" adjustments for manufacturers of all-wood furniture.* This section provides a method by which manufacturers of "all-wood furniture" articles may adjust their maximum

prices for all articles belonging in the categories listed in Appendix B. If some of the articles which you manufacture are also essential low-end articles (as defined in section 4) you may adjust your maximum prices for those articles under section 4 instead of under this section. For the purposes of this order, "all-wood furniture" means articles of wood household furniture made predominantly of wood as well as wood and fabric folding furniture, including also those partially upholstered articles of wood household furniture to which is applied not more than one-half yard of 54 inch upholstery fabric or its equivalent.

You find your price brackets for articles of all-wood household furniture having no upholstery under this section. You find your price brackets for articles of all-wood household furniture which are partially upholstered under section 6 of this order; however, the percentage amount by which you may increase your maximum prices of such partially upholstered articles are those set forth in this section.

(a) *How you proceed with regard to a category which was in your line during March 1942.* (1) For each category listed in Appendix B in which you delivered or offered for delivery articles during March 1942, you divide your price line into three brackets in the following manner:

Step 1. List each article (including "essential low-end" articles) which you delivered during March 1942, whether or not it has been exempted from price control, and opposite it list your "highest price charged during March 1942" (as defined in § 1499.163 of Maximum Price Regulation No. 188) to the class of purchaser to which you customarily sold articles in that category in largest dollar volume. The price which you list shall be for the article in your lowest priced finish. List the articles in order from the lowest priced to the highest priced article. If more than one article in the category has the same price list that price only once.

If you had some articles in that category during March 1942 which you delivered or offered for delivery only to classes of purchasers other than your largest volume class of purchaser, and if you cannot determine the "highest price charged during March 1942" for those articles to your largest volume class of purchaser because you do not have customary or established differentials between those classes of purchasers, list for those articles the highest price charged during March 1942 to any other class of purchaser except ultimate consumers.

Step 2. Count the number of listings and divide that total by three, carrying the result to one decimal place and rounding it to the nearest whole number. This whole number represents the number of articles which fall into each of the "low" and "medium" brackets of your March 1942 line.

Step 3. Your "low bracket" consists of those articles at the beginning of your list not exceeding the number of articles obtained through the calculation described in Step 2. The last listed price appearing in your "low bracket" is your "low bracket cut-off point." Your "medium bracket" consists of an equal number of articles immediately following the low bracket cut-off point. The last listed price in the medium bracket is your "medium bracket cut-off point." Your "high bracket" consists of all the articles in the list immediately following the medium bracket cut-off point.

In each case this cut-off point is the cut-off point applicable on sales to your largest volume class of purchaser. The cut-off point applicable on sales to each other class of purchaser is found by applying to that cut-off point your customary or established differentials on sales to each other class of purchaser. If you do not have such differentials, but nevertheless, during March 1942 delivered or offered for delivery articles in that category to other classes of purchasers, the cut-off point applicable on sales to your largest volume class of purchaser is also applicable on sales to all other classes of purchasers.

(2) Any article in a particular category having a properly established maximum price (exclusive of all adjustment charges) at or below your low bracket cut-off point shall be considered a low bracket article. Any article in a particular category having a maximum price (exclusive of all adjustment charges) above your low bracket cut-off point, but not above your medium bracket cut-off point shall be considered a medium bracket article. All other articles in a particular category are your high bracket articles. This applies to all articles on which you have properly established maximum prices even though those articles were not in your line during March 1942. The percentage amount of adjustment applicable to articles in each bracket is set forth below in paragraph (c) of this section.

(3) If you have only two listings in a particular category, you will have only two brackets—a medium bracket and a high bracket. Your medium bracket cut-off point for sales of articles in that category to your largest volume class of purchaser is the lower of the two prices listed. Any article in the category for which you have a maximum price (exclusive of all adjustment charges) at or below that cut-off point shall be considered a medium bracket article. Any article in that category for which you have a maximum price (exclusive of all adjustment charges) higher than that cut-off point shall be considered a high bracket article.

If you have only one listing in a particular category, any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) at or above that price shall be considered a high bracket article; and any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) lower than that price shall be considered a medium bracket article.

Under these circumstances you find your cut-off points to other classes of purchasers in the manner described above in this section under Step 3.

EXAMPLE OF HOW A MANUFACTURER FINDS HIS PRICE BRACKETS FOR ALL-WOOD FURNITURE

If a manufacturer delivered or offered for delivery the following wood beds during March 1942 to retailers (which was his largest volume class of purchaser) he determines his price brackets and cut-off points for that category as follows:

CATEGORY 1, WOOD BEDS

Item No.:	*Highest price charged to retailers during March 1942*
Low bracket:	
232	$14.00
234	15.50
Medium bracket:	
237	16.75
238	17.50
High bracket:	
240	19.00
241	20.00
244	22.00

The total number of items in this listing is seven. Seven divided by three equals 2.3 which is rounded to 2. Therefore, the first two items listed represent the manufacturer's "low bracket"; the next two items are his "medium bracket"; and the last three items are his "high bracket." His low bracket cut-off point on sales to retailers is $15.50; his medium bracket cut-off point on sales to retailers is $17.50. If this manufacturer customarily gave all wholesalers a discount of 20% off his price to retailers, he finds the appropriate cut-off point for each bracket on sales to wholesalers by deducting that discount from his cut-off point on sales to retailers.

Any wood bed for which this manufacturer has a maximum price to retailers of $15.50 or less is a "low bracket" article and he may increase its maximum price by 18% as provided in paragraph (c) of this section. Any wood bed for which he has a maximum price to retailers above $15.50 but not above $17.50 is a medium bracket" article and he may increase its maximum price by 11½% as provided in paragraph (c) of this section. Any wood bed for which he has a maximum price to retailers above $17.50 is a "high bracket" article and he may add to his maximum price the same 5% which was originally authorized by Order No. 1052 under Maximum Price Regulation No. 188, as provided in paragraph (c) of this section. In each case the maximum price to be increased by the stated percentage is the maximum price exclusive of all adjustment charges.

(b) *How you proceed with regard to a category which was not in your line during March 1942.* For each category listed in Appendix B in which you did not deliver or offer for delivery articles during March 1942, you have only one cut-off point. That cut-off point is the lowest maximum price (exclusive of all adjustment charges) established for any article in that category before the date this order was issued. Any article in that category having a maximum price (exclusive of all adjustment charges) lower than that cut-off point is a "medium bracket" article. Any article in that category having a maximum price (exclusive of all adjustment charges) at or above that cut-off point is a "high bracket" article. The percentage amount of adjustment applicable to articles in each bracket is set forth below in paragraph (c) of this section.

The amount of the adjustment permitted by this paragraph may be revised by an order under this paragraph in the case of a particular manufacturer when it appears that his maximum prices as otherwise adjusted under this paragraph are not in line with the general level of adjusted maximum prices adjusted un-

der paragraph (a) of this section for other manufacturers of comparable articles. Such a revision will establish adjusted maximum prices or a method of determining maximum prices which are in line with that general level.

If your maximum prices for sales of articles in a category are first established after the date on which this order was issued, an order may be issued under this paragraph establishing adjusted maximum prices or a method of determining adjusted maximum prices which will be in line with the general level of adjusted maximum prices adjusted under paragraph (a) of this section for other manufacturers of comparable articles.

(c) *Percentage amount of adjustment in each bracket.* You may increase your maximum price (exclusive of any adjustment charges), for sales to all classes of purchasers other than consumers of an article of all-wood furniture belonging in a category listed in Appendix B by the appropriate one of the following percentages:

	Percent
Low bracket articles	18
Medium bracket articles	11½
High bracket articles	5

For this purpose "maximum price" means the maximum price properly determined under Maximum Price Regulation No. 188 after all trade, quantity, and other discounts (except cash discounts) have been deducted. In figuring the amount by which you may increase your maximum price, fractions may be rounded to the nearest cent.

SEC. 6. *"Price-bracket" adjustments for manufacturers of upholstered furniture.* This section provides a method by which manufacturers of "upholstered furniture" may adjust their maximum prices for all articles belonging in the categories listed in Appendix C. If some of the articles which you manufacture are also essential low-end articles (as defined in section 4) you may adjust your maximum prices for those articles under section 4 instead of this section. For the purposes of this order, "upholstered furniture" means articles of household furniture which consist of a frame made predominantly of wood, filling material (with or without steel spring construction), and a fabric covering or more than one-half yard of 54-inch upholstery fabric or its equivalent.

The method provided by this section requires that you divide each of your categories of articles listed in Appendix C into three price brackets. That division is based on two separate computations—one involving your maximum prices for the articles in base grade and the other involving your customary grades of upholstery fabric.

(a) *How you proceed with regard to a category which was in your line during March 1942*—(1) *Computations involving maximum prices in base grade.* For each category listed in Appendix C which you delivered or offered for delivery during March 1942, you divide your price line into three brackets in the following way:

Step 1. List each article (including "essential low-end articles) which you delivered or offered for delivery during March 1942, whether or not it has been exempted from price control, and opposite it list your "highest price charged during March 1942" (as defined in § 1499.163 of Maximum Price Regulation No. 188) to the class of purchaser to which you customarily sold articles in that category in the largest dollar volume. The price which you list shall be for the article covered with your "base-grade" fabric exclusive of all tailoring extras (such as special types of edgings, etc.) and in your lowest priced upholstery construction. Your "base grade" fabric is the lowest cost fabric in which you offered the article in March 1942. (If you did not furnish cover fabrics, your "base grade" is muslin or the customer's own material, whichever price is lower.) List the articles in order from the lowest priced to the highest price article. If more than one article in the category has the same price, list that price only once.

If you had some articles in that category during March 1942 which you delivered or offered for delivery only to classes of purchasers other than your largest volume class of purchaser, and if you cannot determine the "highest price charged during March 1942" for those articles to your largest volume class of purchaser because you do not have customary or established differentials between those classes of purchasers, list for those articles the highest price charged during March 1942 to any other class of purchaser except ultimate consumers.

Step 2. Count the number of listings, and divide that total by three, carrying the result to one decimal place and rounding it to the nearest whole number. Your "base grade low bracket" consists of those articles at the beginning of your list not exceeding the number of articles obtained through this calculation. Your "base grade medium bracket" consists of an equal number of articles immediately following the low bracket cut-off point.

(2) *Computation involving your customary grades of upholstery fabric.* If during March 1942 you delivered or offered for delivery articles in a category covered with various grades of upholstery fabric, you find your "category fabric" for that category in the following way:

Step 1. List each grade of fabric in which you offered these articles during March 1942 from the lowest cost grade to the "highest cost grade". For this purpose, your "highest cost grade" is the highest cost grade of fabric which you actually applied on articles of that category which you delivered during the period from March 1, 1942, to July 31, 1942.

Step 2. Count the number of fabric grades listed and divide that total by three, carrying the result to one decimal place and rounding it to the nearest whole number. Count down on your fabric grade list that number of grades. The last counted fabric grade is your "category fabric grade."

(3) *How to find your "low bracket" and your "medium bracket" cut-off points.* (i) If, during March 1942, you delivered or offered for delivery in a category articles covered with various grades of upholstery fabric your cut-off points are the following:

Your "low bracket cut-off point" for the category is the "highest price charged during March 1942" (as defined in Section 1499.163 of Maximum Price Regulation No. 188) for the highest priced article in your "base grade low bracket" when covered with your "category fabric grade".

Your "medium bracket cut-off point" for the category is the "highest price charged during March 1942" (as defined in Section 1499.163 of Maximum Price Regulation No. 188) for the highest priced article in your "base grade medium bracket" when covered with your "category fabric grade".

(ii) If, during March 1942, you delivered or offered for delivery in a category only articles covered with your "base grade" fabric (which may be muslin or your customer's own material) your cut-off points are the following:

Your "low bracket cut-off point" for the category is the last listed price in your "base grade low bracket".

Your "medium bracket cut-off point" for the category is the last listed price in your "base grade medium bracket".

(iii) In each case this cut-off point is the cut-off point applicable on sales to your largest volume class of purchaser. The cut-off point applicable on sales to each other class of purchaser is found by applying to that cut-off point your customary or established differentials on sales to each other class of purchaser. If you do not have such differentials, but nevertheless, during March 1942 delivered or offered for delivery articles in that category to other classes of purchasers, the cut-off point applicable on sales to your largest volume class of purchaser is also applicable on sales to all other classes of purchasers.

(4) Any article in a particular category having a properly established maximum price (exclusive of all adjustment charges) at or below your low bracket cut-off point shall be considered a low bracket article. Any article in a particular category having a maximum price (exclusive of all adjustment charges) above your low bracket cut-off point but not above your medium bracket cut-off point shall be considered a medium bracket article. All other articles in the particular category are your high bracket articles. This applies to all articles on which you have properly established maximum prices even though those articles were not in your line during March 1942. The percentage amount of adjustment applicable to articles in each bracket is set forth below in paragraph (c) of this section.

(5) If you have only two base grade listings in a particular category, you will have only two brackets—a medium bracket and a high bracket. If, during March 1942, you delivered or offered for delivery in the category articles covered with various grades of upholstery fabric your "medium bracket cut-off point" is the "highest price charged during March 1942" for the lower-priced of the two articles when covered with your "category fabric grade." If, during March 1942, you delivered or offered for delivery in the category only articles covered with your "base grade" fabric your "medium bracket cut-off point" is the lower of the two prices listed. Any article in that category for which you have a maximum price (exclusive of all adjustment charges) at or below that cut-off point shall be considered a medium bracket article. Any article in that category for which you have a maximum

price (exclusive of all adjustment charges) above that cut-off point shall be considered a high bracket article.

If you have only one base grade listing in a particular category, and during March 1942 you delivered or offered for delivery in that category articles covered with various grades of upholstery fabric, any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) at or above the "highest price charged during March 1942" for that article when covered with your "category fabric grade" shall be considered a high bracket article; and any article having a maximum price to that class of purchaser (exclusive of all adjustment charges) lower than that price shall be considered a medium bracket article.

If you have only one base grade listing in a particular category, and during March 1942 you delivered or offered for delivery in that category only articles covered with your "base grade" fabric, any article having a maximum price to your largest volume class of purchaser (exclusive of all adjustment charges) at or above the listed price shall be considered a high bracket article; and any article having a maximum price to that class of purchaser (exclusive of all adjustment charges) lower than the listed price shall be considered a medium bracket article.

EXAMPLE OF HOW A MANUFACTURER FINDS HIS PRICE BRACKETS FOR UPHOLSTERED FURNITURE

If a manufacturer delivered or offered for delivery the following occasional chairs in the following fabric grades during March 1942 to retailers (which was his largest volume class of purchaser), he determines his price brackets and cut-off points for that category as follows:

CATEGORY 65, OCCASIONAL CHAIRS

Item	Base grade A	B	C	D	E	F	G	H	I
110	$9.00	$11.25	$13.50	$15.75	$18.00	$20.25	$22.50	$24.75	$27.00
111	10.50	12.75	15.00	17.25	19.50	21.75	24.00	26.25	28.00
112	11.25	13.50	15.75	18.00	20.25	22.50	24.75	27.00	29.25
113	12.00	14.25	16.50	18.75	21.00	23.25	25.50	27.75	30.00
114	13.75	16.00	18.25	20.50	22.75	25.00	27.25	29.50	31.75
115	14.25	16.50	18.75	21.00	23.25	25.50	27.75	30.00	32.25
116	14.75	17.00	19.25	21.50	23.75	26.00	28.25	30.50	32.75
117	15.25	17.50	19.75	22.00	24.25	26.50	28.75	31.00	33.25

LISTING OF FABRICS

Grade:	*Cost per yard*
A (base grade)—up to	$0.50
B—$0.50 and up to	.75
C—$0.75 and up to	1.00
D—$1.00 and up to	1.25
E—$1.25 and up to	1.50
F—$1.50 and up to	1.75
G—$1.75 and up to	2.00
H—$2.00 and up to	2.25
I—$2.25 and up to	[1] 2.50

[1] Highest cost fabric grade actually applied to occasional chairs delivered during the period from March 1, 1942 to July 31, 1942.

There are eight articles listed in base grade (grade A). Eight divided by 3 equals 2.7 which is rounded to 3. Therefore, the first three items listed represent his "base grade low bracket," the next three are his "base grade medium bracket." The highest priced article in his "base grade low bracket" is Item 112 at $11.25; the highest priced article in his "base grade medium bracket" is Item 115 at $14.25.

The total number of fabric grades in this listing is nine; nine divided by three equals three; therefore, the manufacturer's "category fabric grade" is the third grade listed, or Grade C.

The manufacturer's low bracket cut-off point is the highest price he charged in March 1942 for Item 112 when covered with Grade C fabric; that is, $15.75. The manufacturer's medium bracket cut-off point is the highest price he charged in March 1942 for Item 115 in Grade C fabric; that is, $18.75. Any occasional chair for which this manufacturer has a maximum price to retailers of $15.75 or less is a "low bracket" article and he may increase its maximum price to retailers by 12 per cent as provided in paragraph (c) of this section. Any occasional chair for which he has a maximum price to retailers above $15.75, but not above $18.75, is a "medium bracket" article and he may increase its maximum price by 9 per cent as provided in paragraph (c) of this section. Any occasional chair for which he has an approved maximum price to retailers above $18.75 is a "high bracket" article and he may add to its maximum price the same 5 per cent which was originally authorized by Order No. 1052 under Maximum Price Regulation No. 188 as provided in paragraph (c) of this section.

(b) *How you proceed with regard to a category which was not in your line during March 1942.* For each category listed in Appendix C in which you did not deliver or offer for delivery articles during March 1942, you have only one cut-off point. If you have properly established maximum prices for articles in that category that cut-off point is the maximum price established before the date this order was issued for your lowest priced article in that category when covered with the lowest priced cover fabric in which you have actually delivered an article in that category. (If you do not furnish cover fabrics, your lowest priced cover fabric for this purpose is muslin or the customer's own material, whichever price is lower.)

Any article in that category having a maximum price (exclusive of all adjustment charges) lower than that cut-off point is a "medium bracket" article. Any article in that category having a maximum price (exclusive of all adjustment charges) at or above that cut-off point is a "high bracket" article. The percentage amount of adjustment applicable to articles in each bracket is set forth below in paragraph (c) of this section.

The amount of the adjustment permitted by this paragraph may be revised by an order under this paragraph in the case of a particular manufacturer when it appears that his maximum prices as otherwise adjusted under this paragraph are not in line with the general level of maximum prices adjusted under paragraph (a) of this section for other manufacturers of comparable articles. Such a revision will establish adjusted maximum prices or a method of determining adjusted maximum prices which are in line with that general level.

If your maximum prices for sales of articles in a category are first established after the date on which this order was issued, an order may be issued under this paragraph establishing adjusted maximum prices or a method of determining adjusted maximum prices which will be in line with the general level of maximum prices adjusted under paragraph (a) of this section for other manufacturers of comparable articles.

(c) *Percentage amount of adjustment in each bracket.* You may increase your maximum price (exclusive of any adjustment charges) for sales to all classes of purchasers other than consumers of an article of upholstered furniture belonging in a category listed in Appendix C, by the appropriate one of the following percentages:

	Percent
Low bracket articles	12
Medium bracket articles	9
High bracket articles	5

For this purpose "maximum price" means the maximum price properly determined under Maximum Price Regulation No. 188 after all trade, quantity, and other discounts (except cash discounts) have been deducted. In figuring the amount by which you may increase your maximum price, fractions may be rounded to the nearest cent.

ARTICLE IV—OTHER ADJUSTMENTS

SEC. 7. *Articles not eligible for adjustment under sections 4, 5, or 6.* This section authorizes the adjustment of maximum prices for sales to all classes of purchasers other than ultimate consumers of articles covered by this order when those articles are not eligible for any adjustment under sections 4, 5, or 6 of this order. You may increase your maximum prices (exclusive of all adjustment charges) for sales of those articles by the same 5% which was originally authorized by Order No. 1052 under Maximum Price Regulation No. 188.

ARTICLE V—MANUFACTURERS' MISCELLANEOUS PROVISIONS

SEC. 8. *"Unadjusted maximum price."* In order to provide your purchasers for resale with the basis for determining their maximum prices under the applicable regulations, you must state an "unadjusted maximum price" on your invoice. This section explains how you compute that "unadjusted maximum price."

You find your "unadjusted maximum price" for any article covered by this order which you sell at a maximum price adjusted under this order or any other adjustment provision as follows:

(a) If your selling price for the article is not more than 12% above its properly established maximum price to a particular class of purchaser (exclusive of all adjustment charges), your unadjusted maximum price to that class of purchaser is that properly established maximum price (exclusive of all adjustment charges).

(b) If your selling price for the article is more than 12 per cent above its prop-

erly established maximum price to a particular class of purchaser (exclusive of all adjustment charges) you find your unadjusted maximum price to that class of purchaser as follows:

Step 1: Determine the percentage amount by which your actual selling price exceeds your properly established maximum price (exclusive of all adjustment charges).

Step 2: Deduct 12 percentage points from the percentage found in Step 1.

Step 3: Add to your maximum price (exclusive of all adjustment charges) the percentage amount found in Step 2. The resulting amount is your "unadjusted maximum price".

EXAMPLE OF HOW A MANUFACTURER FINDS HIS "UNADJUSTED MAXIMUM PRICE" WHEN HIS SELLING PRICE IS MORE THAN 12% ABOVE HIS MAXIMUM PRICE

A manufacturer has a properly established maximum price (exclusive of all adjustment charges) of $40.00 for a bedroom suite, and he adjusts that maximum price under section 4 of this order. Under that section he may increase his maximum price by 25%; however, his actual selling price on a particular sale is only $48.00. The steps by which he finds his "unadjusted maximum price" are as follows:

Step 1: His selling price is $8.00 above his previous maximum price. This he finds to be 20% above that maximum price.

Step 2: He deducts 12 percentage points from 20%, and the result is 8%.

Step 3: He adds 8% to his previous maximum price of $40.00. The "unadjusted maximum price" which he shows on his invoice for that sale is therefore $43.20.

(c) If your new maximum price for a particular article was properly established under section 5 of Supplementary Order No. 118, you first find a price exclusive of all adjustments by the following steps:

Step 1: Find the increase factor permitted under section 4 of Supplementary Order No. 118 on your most comparable 1941 article (which you used in calculating your maximum price under section 5 of that order), by dividing the new maximum price of that comparable article by its maximum price in effect before Supplementary Order No. 118 was issued.

Step 2: Divide your new maximum price for the article priced under section 5 of Supplementary Order No. 118, by that increase factor.

The result is the figure you use as the properly established maximum price (exclusive of all adjustment charges) in calculating your "unadjusted maximum price" under paragraph (a) or (b) of this section, whichever is applicable.

SEC. 9. *Manufacturers' reports.* (a) On or after February 1, 1946, before delivering or offering for delivery, any article listed in Appendix A or belonging in a category listed in Appendix B or C at a maximum price adjusted under this order or under any other adjustment provision, you must file in duplicate a signed report with the Office of Price Administration, Washington, D. C., setting forth the following:

(1) The date of the report.

(2) Your name and address.

(3) A copy of the price list, if any, which you issued to the trade and which was effective during March 1942, and a statement of the class or classes of purchasers to which the prices shown thereon were applicable.

(4) A list of the highest prices you charged during March 1942 to each class of purchaser for each item which you delivered or offered for delivery during March 1942. This may be taken from your base period statement, if it was properly prepared in accordance with Section 11 of the General Maximum Price Regulation.

(5) A statement of the class of purchaser customarily accounting for your largest dollar volume of sales for each category listed in Appendix B or C in which you offer articles at maximum prices adjusted under this order.

(6) A copy of your computations showing the manner in which you determined your low-bracket and medium-bracket cut-off points for each of your categories as listed in Appendix B or C.

(7) A list of each article the maximum price of which you are adjusting pursuant to this order, listing:

(i) Your properly established maximum price (exclusive of all adjustment charges) to each class of purchaser to whom you customarily make sales. If your new maximum prices were established under section 5 of Supplementary Order No. 118, report the prices exclusive of all adjustment charges computed under section 8 (c) of this order.

(ii) Your adjusted maximum price to each class of purchaser to whom you customarily make sales, stating the adjustment provision under which that adjusted maximum price was determined.

(iii) The pricing provision under which your maximum price (exclusive of all adjustment charges) was established, as well as the specific section number, the date of approval if any, and the order number if any.

(b) With respect to all articles not specifically listed in your first report, before first offering any such article for sale, you must file a signed report with the Office of Price Administration, Washington, D. C., stating for each such article, the information required by subparagraph (7) above.

(c) You must keep available for inspection by the Office of Price Administration a copy of each report filed under paragraph (a) or (b) of this section, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

EXAMPLE OF MANUFACTURER'S REPORT

(1) January 29, 1946.
(2) XYZ Manufacturing Company, Lexington, Kentucky.
(3) I have attached my complete price list which was effective in March 1942 to this report.

CATEGORY NO. 1—BEDS

(4) Highest price charged during March 1942:

Article number	Highest price charged to—		
	Retailers	Wholesalers	Other classes
232	$14.00	$12.60	Not applicable.
234	15.50	13.95	
237	16.75	15.07	
238	17.50	15.75	
240	19.00	17.10	
241	20.00	18.00	
244	22.00	19.80	

(5) Retailers customarily account for my largest dollar volume of sales in this category.
(6) Computation of price bracket cut-off points: Number of items in this category—7. As computed according to the instructions in section 4 (a), my low bracket cut-off point on sales to retailers is $15.50, and my medium bracket cut-off point on sales to retailers is $17.50.
(7) Adjusted maximum prices as established under this order:

Article number	Properly established maximum price (exclusive of all adjustments)			Maximum price as adjusted in accordance with this order	
	To retailers	To wholesalers	Pricing provision under which established	To retailers	To wholesalers
241	$20.00	$18.00	Section 1499.153 (a)—MPR 188	$21.00	$18.90
244	22.00	19.80	Section 1499.153 (a)—MPR 188	23.10	20.79
247	13.00	11.70	Section 1499.157—MPR 188 (9/4/43)	15.34	13.81
248	12.00	10.80	Section 1499.157—MPR 188 (12/1/44)	14.16	12.74

CATEGORY NO. 2—CHESTS

(4)
(5)
etc.

ARTICLE VI—WHOLESALERS' AND RETAILERS' MAXIMUM PRICES

SEC. 10. *Maximum prices of wholesalers whose sales are covered by Maximum Price Regulation No. 590.*—(a) *Modification of Maximum Price Regulation No. 590.* This section modifies the pricing provisions of Maximum Price Regulation No. 590 with respect to articles covered by this order. Unless the context otherwise requires, the definitions in Maximum Price Regulation No. 590 apply to the terms used in this section.

(b) *Adjusted maximum price.* A wholesaler's adjusted maximum price for sales covered by Maximum Price Regulation No. 590 to each class of purchaser of an article covered by this order is the maximum price determined under Maximum Price Regulation No. 590 by using as "net cost" for the article the total of:

(1) the "net cost of the article based on his supplier's unadjusted maximum price as it appears on his purchase invoice, and

(2) 80 per cent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost. A wholesaler may make sales covered by Maximum Price Regulation No. 590 at prices at or below his adjusted maximum price computed in this way.

(c) *Unadjusted maximum price.* A wholesaler's "unadjusted maximum price" for sales covered by Maximum Price Regulation No. 590 which must appear on every invoice which he furnishes to a purchaser for resale is the price determined under Maximum Price Regulation No. 590 by using a "net cost" for the article based on his supplier's unad-

justed maximum price as it appears on his purchase invoice.

(d) *Ceiling price statement.* Before delivering any article the sale of which is covered by Maximum Price Regulation No. 590, at a maximum price adjusted under this order, the wholesaler must comply with the requirements of section 16 of Maximum Price Regulation 590 with regard to filing ceiling price statements.

SEC. 11. *Maximum prices of wholesalers whose sales are covered by the General Maximum Price Regulation.* If a wholesaler determines his maximum prices under the General Maximum Price Regulation, he finds his adjusted and unadjusted maximum prices as follows:

(a) *Adjusted maximum prices.* (1) A wholesaler who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his adjusted maximum price according to the method and procedure set forth in that section by adding the same markup which he had on that comparable article to the total of:

(i) His supplier's unadjusted maximum price, as it appears on his purchase invoice, and

(ii) 80 percent of the dollar-and-cent difference between his supplier's unadjusted maximum price and the wholesaler's actual invoice cost.

A wholesaler may make sales covered by the General Maximum Price Regulation, at prices at or below his adjusted maximum price computed in this way.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form 620–759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a wholesaler cannot determine his adjusted maximum price under (1), he shall apply to the Office of Price Administration for the establishment of his adjusted maximum price under § 1499.3 (c) of the General Maximum Price Regulation. The application shall, in addition to the information specifically required by that section, also give the following information:

(i) His supplier's unadjusted maximum price as it appears on his purchase invoice.

(ii) His actual invoice cost.

An adjusted maximum price established in this way will be in line with wholesalers' adjusted maximum prices established generally under this order.

(b) *Unadjusted maximum prices.* (1) A wholesaler who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in section 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall find his "unadjusted maximum price" according to the method and procedure set forth in that section by adding the same markup which he had on that comparable article to his supplier's unadjusted maximum price as it appears on his purchase invoice.

(2) If a wholesaler cannot determine his unadjusted maximum price under (1), he shall, at the time he applies for an adjusted maximum price to the Office of Price Administration under paragraph (a) (2) of this section also apply for the establishment of an unadjusted maximum price. Unless such an unadjusted maximum price is established, he may not make sales of the article even though his adjusted maximum price is properly established.

SEC. 12. *Maximum prices of retailers whose sales are covered by Maximum Price Regulation No. 580.* If the retailer determines his maximum price under a pricing chart in accordance with Maximum Price Regulation No. 580, his maximum price shall be the price which he calculates under the pricing chart by using a "net cost" based upon his supplier's unadjusted maximum price, as it appears on his purchase invoice. Unless the context otherwise requires, the definitions in Maximum Price Regulation No. 580 apply to the terms used in this paragraph (a).

SEC. 13. *Maximum prices of retailers whose sales are covered by the General Maximum Price Regulation.* If the retailer determines his maximum prices under the General Maximum Price Regulation, his maximum price for sales of an article covered by this order shall be computed as follows:

(1) A retailer who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall determine his maximum resale price by adding to his supplier's unadjusted maximum price (as it appears on his purchase invoice) the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for on OPA Form 620–759, with regard to how he determines his maximum resale price. These records shall be kept available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a retailer cannot determine his maximum resale price under (1), he shall apply to the Office of Price Administration for the establishment of his maximum resale price under § 1499.3 (c) of the General Maximum Price Regulation. The retailer's application shall, in addition to the information specifically required by that section, also give the following information:

(i) His supplier's unadjusted maximum price.

(ii) His actual invoice cost.

A retailer's maximum price established in this way will be in line with retailer's maximum prices established generally under this order.

ARTICLE VII—GENERAL PROVISIONS

SEC. 14. *Invoices to purchasers for resale.* Any person making a sale of an article covered by this order to a purchaser for resale at a maximum price adjusted under this order, or under any other adjustment provision, must furnish such purchasers for resale with an invoice containing the following:

(a) His name and address and the date of the invoice.

(b) The purchaser's name and address.

(c) The model designation of the article and such other description as may be necessary to identify the article on his pricing records.

(d) His "unadjusted maximum price." (As defined in section 8 or 10, whichever is applicable.)

(e) The actual selling price of the article.

(f) The nature and extent of any additional charges.

(g) Terms of sale.

(h) The following notice:

NOTICE OF CEILING PRICES

If you resell the articles for which unadjusted maximum prices are shown on this invoice you must find your resale ceiling prices under sections 10 through 13 of Order No. 4800 under Maximum Price Regulation No. 188. Those sections replace Maximum Price Regulation Nos. 580 and 590 with respect to those articles.

In addition, if the sale is covered by Maximum Price Regulation No. 590, the following notice must also be given:

All prices on this invoice are at or below our ceiling prices to you for the quantities, terms and conditions of this sale, as shown on our Ceiling Price Statement filed with the ---------- Regional Office of the
Name of city
OPA, pursuant to section 16 of MPR 590.

Every seller must keep available for inspection by the Office of Price Administration a copy of each such invoice for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

The provisions of this section supersede all provisions with respect to the furnishing of invoices contained in any order previously issued by the Office of Price Administration applicable only to the products of an individual manufacturer covered by this order.

SEC. 15. *Relation between this order and other orders and regulations*—(a) *Maximum Price Regulation Nos. 188, 580, and 590.* The provisions of this order supersede the provisions of Maximum Price Regulation Nos. 188, 580, and 590 only to the extent that they are inconsistent with the provisions of those regulations.

(b) *Supplementary Order Nos. 118, 119, and 133.* If you are eligible for an adjustment under Supplementary Order Nos. 118, 119, or 133, you may nevertheless adjust your maximum prices under

this order instead of under those provisions.

(c) *Orders issued to individual manufacturers under other adjustment provisions.* If an individual adjustment is granted to you authorizing you to adjust your maximum prices, the relation between such permission and this order depends upon the nature of that individual adjustment.

(1) If you are authorized to increase the maximum prices of all articles which you produce, you may adjust your maximum prices under that authorization instead of under this order. (An example of this kind of authorization is an order issued under Supplementary Order No. 119.)

(2) If you are authorized to increase the maximum prices of only certain specified articles which you produce or only those articles which were in your line on a certain date, you may, instead of adjusting your maximum prices under this order, adjust the maximum prices of the articles covered by such an authorization under its provisions. If you do this, you must treat all other articles covered by this order which you produce as high bracket articles subject only to the 5% increase provided in section 5 or 6. An example of this type of authorization is an order issued under paragraph (h) of Order No. 1052 under Maximum Price Regulation No. 188.

(3) If you decide to adjust your maximum prices under the provisions of an individual authorization which permitted you to include the 5% adjustment authorized by Order No. 1052 under Maximum Price Regulation No. 188 before this order was issued, you may continue to include that amount of adjustment.

In all cases, however, you must furnish the invoice required by section 14 of this order. The provisions of that section supersede any contrary provisions contained in any individual order issued to you.

Effective date. This regulation shall become effective December 28, 1945.

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

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 28th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

APPENDIX A—ESSENTIAL LOW-END ARTICLES WHOSE MAXIMUM PRICES MAY BE ADJUSTED UNDER SECTION 4

	Article	Cut-off point (maximum price to retailers)
Juvenile furniture	Training chair	$2.50
	Nursery seat	2.00
	Play pen	6.00
	Crib with spring	12.50
	Table and 2 chairs, set	6.00
	Desk and chair set	6.00
	High chair	5.00
	Youth bed	12.50

APPENDIX A—ESSENTIAL LOW-END ARTICLES WHOSE MAXIMUM PRICES MAY BE ADJUSTED UNDER SECTION 4—Continued

	Article	Cut-off point (maximum price to retailers)
Bedroom furniture (odd pieces).	Chest of drawers	$14.75
	Bed	12.50
	Night table	5.50
	Dressers with mirror	15.00
	Vanity with mirror	17.00
	Vanity bench	2.75
	Single door wardrobe	12.50
	Double door wardrobe	17.00
	Chifferobe or chest robe.	20.00
Bedroom furniture (suites).	Any piece of wood bedroom suite in which 3 major pieces have a combined total price below the cutoff point. (Night tables, mirrors only, benches or chairs are not major pieces).	[1] 61.75
Dining room furniture (suites).	Any piece of a dining room suite having a 60" buffet or a 54" credenza for which the table, 6 chairs and buffet have a combined total price below the cutoff point.	[1] 75.00
Kitchen and dinette furniture.	Table	13.00
	Cupboards	12.50
	Buffet	15.00
	Utility cabinet	13.50
	Chairs	3.25
	Kitchen cabinet (base with cupboard top).	25.00
Occasional furniture.	Table (lamp, end, cocktail, etc.).	6.00
	Knechole desk	20.00
	Record cabinet	7.50
	Bookcase	12.50
Miscellaneous furniture.	Finished Adirondack chair.	4.15
	Finished Adirondack settee.	6.35
	Finished wood and canvas chair.	3.50
	Wood and canvas cot	3.50
	Rockers	3.50
	Chair (of any type covered by this order as well as restaurant and institutional chair).	3.25
	Upholstered occasional chair using minimum of 1 yard of 54" material or its equivalent.	7.00
Unfinished furniture	Chest	11.50
	Dresser base	11.50
	Single door wardrobe	8.80
	Double door wardrobe	12.10
	Chifferobe	14.85
	Dressing table	7.50
	Bed	9.50
	Night table	3.00
	Vanity bench	2.00
	Bookcase	8.50
	Record cabinet	5.00
	Student's desk	8.00
	Corner cabinets	8.80
	Utility cabinets	8.00
	Chair	2.50
	Rocker	2.50
	High chair	3.00
	Adirondack chair	4.00
	Adirondack settee	6.25
	Table (occasional, such as lamp, end, cocktail, etc.).	4.00
	Table (dinette or kitchen).	9.50
	Knechole desks	15.00

[1] The maximum percentage amount of increase which may be taken on any individual piece of a bedroom or dinette suite eligible for an adjustment under section 4 is the same percentage amount of increase allowed on the three major pieces set forth above.

APPENDIX B—CATEGORIES OF "ALL-WOOD" FURNITURE

(NOTE: "All-wood" furniture as used herein is defined in section 5 of this order.)

BEDROOM

1. Beds.
2. Double-deck beds
3. Chests
4. Dresser bases (if priced separately)
5. Dresser mirrors (if priced separately)
6. Dressers, complete with mirrors (This category may be used only if you do not have separate prices for dresser bases and mirrors)
7. Vanity bases (if priced separately)
8. Vanity mirrors (if priced separately)
9. Vanity, complete with mirror (This category may be used only if you do not have separate prices for vanity bases and mirrors)
10. Chifferobes, chestrobes, and wardrobes
11. Bedroom chairs with no upholstery
12. Bedroom chairs, partially upholstered
13. Vanity benches with no upholstery
14. Vanity benches, partially upholstered
15. Night tables
16. Cedar chests
17. Mirrors for bedroom suites (hanging or portable)

DINING ROOM, DINETTE, AND BREAKFAST

18. Tables—not less than 38" x 54" closed
19. Tables—less than 38" x 54" closed
20. Buffets—maple not less than 54" long; all other woods, not less than 60" long
21. Buffets—maple, less than 54" long; all other woods, less than 60" long
22. China closets and corner cabinets
23. Servers
24. Welsh cabinets and hutches
25. Chairs

LIVING ROOM

26. Tables—not more than 18" high (cocktail tables, coffee tables, etc.)
27. Tables—more than 18" high but not more than 26" high (end tables, etc.)
28. Tables—more than 26" high (drop-leaf tables, etc., but not including extension type)
29. Tables—more than 26" high (extension type)
30. Desks
31. Secretaries
32. Breakfronts
33. Bookcases
34. Record cabinets
35. Bridge tables
36. Bridge chairs, folding
37. Chairs (desk, ladder back, etc.)

KITCHEN

38. Kitchen utility tables
39. Kitchen chairs and stools
40. Settles
41. Kitchen cabinet bases
42. Utility and broom cabinets
43. Wall cabinets (movable)
44. Kitchen cabinets (base with cupboard top)

JUVENILE

45. Bassinettes
46. Cribs
47. Play yards
48. Chests
49. Dressers
50. High chairs
51. Chifforobes
52. Bathinettes
53. Nursery seats
54. Training chairs
55. Tables
56. Chairs and rockers
57. Beds
58. Mirrors for juvenile pieces

OUTDOOR AND MISCELLANEOUS FURNITURE

(Including all-wood; wood and canvas and wood and fibre)

59. Chairs (including rockers)
60. Settees
61. Tables
62. Stools
63. Swings and gliders

APPENDIX C—CATEGORIES OF UPHOLSTERED FURNITURE

NOTE: Any manufacturer who produces for sale upholstered furniture in any category with both all-wood frames and reed, fibre, or rattan frames must subdivide that category; for example, Category 52-a, Sofas with all-wood frames; Sofas with fibre-wrapped frames.

64. Boudoir chairs
65. Pull-up or occasional chairs (including cricket, Cape Cod, etc.)
66. Lounge or club chairs (including barrel back, wing, fan, and cogswell chairs)
67. Platform rockers
68. Ottomans.
69. Love seats
70. Sofas
71. Chaise lounges

FRAMES FOR UPHOLSTERED FURNITURE

72. Boudoir chairs
73. Pull-up or occasional chairs
74. Lounge or club chairs
75. Platform rockers
76. Ottomans
77. Love seats
78. Sofas
79. Chaise lounges

[F. R. Doc. 45-23128; Filed, Dec. 28, 1945; 4:42 p. m.

[RMPR 136, Amdt. 1 to Order 498]

FOUR WHEEL DRIVE AUTO CO.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order 498 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Four Wheel Drive Auto Co. Docket No. 6083-136.21-418.

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:*

Order No. 498 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The List price of "$5881" set forth in paragraph (a) (1) is amended to read "$6469."

2. The List price of "$5881" set forth in paragraph (b) (1) is amended to read "$6469."

3. All requests for amendment not granted herein are denied.

4. This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective December 29, 1945.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23257; Filed, Dec. 29, 1945; 4:50 p. m.]

[RMPR 136, Amdt. 1 to Order 503]

FOUR WHEEL DRIVE AUTO CO.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order 503 under Revised Maximum Price Regulation 136. Machines, Parts and Industrial Equipment. Four Wheel Drive Auto Co. Docket No. 6083-136.21-456, and 6083-136.21-457.

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:*

Order No. 503 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The List price of "$4010" set forth in paragraph (a) (1) for Model HA is amended to read "$4411."

2. The List price of "$4165" set forth in paragraph (a) (1) for Model HR is amended to read "$4581."

3. The List price of "$4010" set forth in paragraph (b) (1) for Model HA is amended to read "$4411."

4. The List price of "$4165" set forth in paragraph (b) (1) for Model HR is amended to read "$4581."

5. All requests for amendment not granted herein are denied.

6. This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective December 29, 1945.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23258; Filed, Dec. 29, 1945; 4:51 a. m.]

[RMPR 136, Amdt. 1 to Order 515]

FOUR WHEEL DRIVE AUTO CO.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order 515 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Four Wheel Drive Auto Co. Docket No. 6083-136.21-495.

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:*

Order No. 515 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The List price of "$4207" set forth in paragraph (a) (1) is amended to read "$4627."

2. The List price of "$4207" set forth in paragraph (b) (1) is amended to read "$4627."

3. All requests for amendment not granted herein are denied.

4. This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective December 29, 1945.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23259; Filed, Dec. 29, 1945; 4:51 p. m.]

[MPR 592, Amdt. 24 to Order 1]

SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

ADJUSTMENT OF MAXIMUM PRICES

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

Order No. 1 is amended in the following respects:

1. Section 2.1 (k) (1) is amended to read as follows:

(1) *What this paragraph covers.* This paragraph covers the manufacturers' maximum prices for clay and shale building brick (common and face, except glazed), structural clay hollow building tile (except glazed facing tile), and clay drain tile (except clay drain tile produced in Structural Clay Products Area 4), manufactured in Structural Clay Products Areas 1-12 inclusive. As used in this paragraph Structural Clay Products Area 4 means the states of Ohio, West Virginia, Michigan, except the Upper Peninsula, and that part of Pennsylvania west of and including the counties of Potter, Cameron, Clearfield, Blair and Bedford. As used in this paragraph Structural Clay Products Areas 1-12 inclusive means the continental United States excluding the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington, and Oregon.

2. A new section 2.1 (m) is added to read as follows:

(m) *Manufacturers' maximum prices for glazed brick and glazed facing tile in Structural Clay Products Areas 1-12.* (1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592 for glazed clay building brick and glazed clay facing tile produced in Structural Clay Products Areas 1-12 inclusive may be increased by adding an amount not in excess of $4.50 per thousand for standard size brick equivalent, to the March 1942 f. o. b. plant or delivered prices. As used in this paragraph Structural Clay Products Areas 1-12 means the continental United States excluding the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington and Oregon.

(2) *Manufacturers' individual price adjustments.* Any individual price adjustments granted prior to January 2, 1946 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above are hereby revoked.

This amendment shall become effective January 2, 1946.

Issued this 29th day of December 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-23261; Filed, Dec. 29, 1945; 4:46 p. m.]

[MPR 591, Amdt. 3 to Order 1]

WROUGHT STEEL SASH FASTENERS (LOCKS)

ADJUSTMENT OF MAXIMUM PRICES

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

Order 1 under section 22 of Maximum Price Regulation No. 591 is amended in the following respect:

Section 7.1 (e) is amended by adding to the list of commodities thereunder the following:

Wrought steel sash fasteners (locks)

This amendment shall become effective January 5, 1946.

Issued this 2d day of January 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-75; Filed, Jan. 2, 1946; 11:41 a. m.]

Regional and District Office Orders.

[Region VII Rev. Order G-9 Under MPR 329, Amdt. 2]

MILK IN UTAH

Revised Order No. G-9 under Maximum Price Regulation No. 329, Amendment No. 2. Purchases of milk from producers in the State of Utah. Docket No. 7-329-408-6.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1351.408 (b) of Maximum Price Regulation No. 329, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (c) is hereby amended by adding thereto the following:

Provided however, That any purchaser may pay any producer whose place of production is located in District No. 1 of the State of Utah, a permitted addition to the Maximum Prices above specified for said District No. 1, if the following conditions are met:

(1) The permitted addition must be paid before January 1, 1946.

(2) The amount of the permitted addition, including certificates of indebtedness, and any other thing of value, shall not exceed 1¢ per pound of butter fat content with respect to milk delivered between February 12, 1943 and January 1, 1945.

This Amendment No. 2 shall become effective on the 28th day of December 1945.

Issued this 28th day of December 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

Approved: December 27, 1945.

T. G. STITTS,
Director, Dairy Branch, Production and Marketing Administration.

[F. R. Doc. 45-23133; Filed, Dec. 28, 1945; 4:43 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 50-17]

UNITED CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of December 1945.

The United Corporation, a registered holding company, having filed an application pursuant to Rule U-100, promulgated under the Public Utility Holding Company Act of 1935, for exemption from the requirements of Rule U-44, promulgated under the act, with respect to the sale by United on the New York Stock Exchange, during a three-month period commencing three days after the date of this order, of not more than 200,000 shares of common stock of Columbia Gas & Electric Corporation out of a total of 2,410,856 shares of such common stock held by The United Corporation; and

The United Corporation having in its application represented that it will submit to the Commission weekly reports, in such form as the Commission may prescribe, on sales made under the granted exemption; and

It appearing to the Commission that the requirements of Rule U-44, as applied to the proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers;

It is ordered, Pursuant to said Rule U-100, that the application be; and hereby is, granted forthwith, without prejudice, however, to the withdrawal of the exemption afforded hereby upon notification thereof and subject to the submission by The United Corporation of weekly reports setting forth, with respect to each transaction, the number of shares sold, date of sale, price received and name of broker effecting transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-6; Filed, Jan. 2, 1946; 9:41 a. m]

[File No. 52-22]

ASSOCIATED GAS AND ELECTRC CO., AND ASSOCIATED GAS AND ELECTRIC CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of December A. D. 1945.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation. File No. 52-22.

Stanley Clarke, Trustee of Associated Gas and Electric Company (Ageco), a registered holding company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (Agecorp), a registered holding company, having heretofore jointly filed an application pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 (act), for approval of a plan, as amended, for the reorganization of said companies under said section of the act and Chapter X of the Bankruptcy Act; and

The Commission, on April 14, 1944, having entered its findings and opinion and order (Holding Company Act Release No. 4985) approving such plan, as amended, subject, among other things, to the reservation of jurisdiction with respect to the new senior debt of the surviving company to emerge from reorganization of Ageco and Agecorp; and

The Commission, on December 19, 1945, having entered its order approving a post-effective amendment to the plan, wherein it was proposed that General Public Utilities Corporation (the surviving company to emerge from the reorganization of Ageco and Agecorp) would execute loan agreements and issue unsecured 1½% serial promissory notes in the aggregate principal amount of $6,000,000, the notes to mature in five years and to be amortized over said five-year period in equal annual installments (Holding Company Act Release No. 6313); and

A further post-effective amendment to said application having been filed, wherein it is proposed that the text of the loan agreement providing for the creation of, and of the serial notes representing, the new senior debt to be created under the plan of reorganization of Ageco and Agecorp, be amended, so as to provide that the final maturity date of such serial notes be January 1, 1951, and that such serial notes state expressly that they are senior to the 4½% convertible debentures of General Public Utilities Corporation issuable pursuant to the provisions of the plan; and

The Commission having considered such post-effective amendment to said application and deeming it appropriate in the public interest and the interest of investors and consumers to approve and permit said amendment to become effective with respect to the terms of the loan agreements to be executed and promissory notes to be issued by General Public Utilities Corporation:

It is hereby ordered, That said post-effective amendment be, and hereby is, approved and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-11; Filed, Jan. 2, 1946; 9:42 a. m.]

[File Nos. 54-9, 59-2]

AMERICAN GAS AND ELECTRIC CO., ET AL.

ORDER REQUIRING DIVESTURE BY REGISTERED HOLDING COMPANY OF NON-RETAINABLE PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of November, A. D. 1945.

In the matter of American Gas and Electric Company, American Gas and Electric Service Corporation, Appalachian Electric Power Company, West Virginia Power Company, Radford Limestone Company, Inc., Atlantic City Electric Company, Deepwater Operating Company, South Pennsgrove Realty Company, The Franklin Real Estate Company, Indiana Franklin Realty, Inc., Indiana General Service Company, Indiana & Michigan Electric Company, Kanawha Valley Power Company, Kentucky and West Virginia Power Com-

pany, Inc., Kingsport Utilities, Incorporated, The Ohio Power Company, The Duncan Falls Company, Beech Bottom Power Company, Inc., Windsor Power House Coal Company, Windsor Coal Company, The Peakland Corporation, St. Joseph Heating Company, The Scranton Electric Company, Southern Ohio Public Service Company, Twin Branch Railroad Company, West Pittston-Exeter Railroad Company, Wheeling Electric Company, File Nos. 54–9 and 59–2.

The Commission having, on December 1, 1939, issued its notice of and order for hearing in the above-entitled matter, involving an application of American Gas and Electric Company, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 and a proceeding, consolidated therewith, instituted by the Commission pursuant to section 11 (b) of said act, for the purpose, in part, of determining the action which American Gas and Electric Company and its subsidiary companies should be required to take to conform the operations of the American Gas and Electric holding company system to the standards of section 11 (b) (1) of said act; and the Commission having issued, on February 6, 1945, a statement of tentative conclusions with respect to the status of the properties of the American Gas and Electric holding company system in relation to the requirements of section 11 (b) (1) of the act; and

Hearings having been held after appropriate notice as to these matters and as to whether the tentative conclusions of the Commission should be adopted by it as its ultimate and definitive findings and an order entered in accordance therewith; and the Commission having duly considered the matters, being fully advised in the premises, and having this day made and filed its findings and opinion herein:

It is ordered, Pursuant to section 11 (b) (1) of the act, that American Gas and Electric Company limit the operations of its holding company system by severing its relationships with the following named companies:

Atlantic City Electric Company.
Deepwater Operating Company.
South Pennsgrove Realty Company.
The Scranton Electric Company.
West Pittston-Exeter Railroad Company.

by disposing or causing the disposition in any appropriate manner, not in contravention of the applicable provisions of said act or the rules and regulations promulgated thereunder, of its direct or indirect ownership, control, and holding of all securities issued and properties owned, controlled, or operated by such companies and by ceasing, directly or through any system service company, immediately subsequent to such dispositions, to perform services or construction work for, or sell goods to, such companies.

It is further ordered, That American Gas and Electric Company shall cause Franklin Real Estate Company to dispose of such of its assets as are related to the properties and businesses ordered herein to be divested.

It is further ordered, That jurisdiction is reserved to the Commission to take such further steps as are necessary or appropriate to carry out the terms of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–4; Filed, Jan. 2, 1946; 9:40 a. m.]

[File Nos. 54–43, 70–1176, 70–1177]

GREAT LAKES UTILITIES CO., ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of December, A. D. 1945.

In the Matter of Great Lakes Utilities Company, File No. 54–43. Great Lakes Utilities Company, Ohio Gas, Light & Coke Company, File No. 70–1176. Great Lakes Utilities Company, Paxton Gas Company, and Rochelle Gas Company, File No. 70–1177.

Great Lakes Utilities Company (Great Lakes), a registered holding company, and Ohio Gas, Light & Coke Company, a subsidiary of Great Lakes, having filed a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and the rules thereunder regarding:

1. The sale by Great Lakes to Frederick E. Zeuch and his associates of Great Lakes' investment in Ohio consisting of all of the outstanding securities of Ohio, at the date of closing, namely, $525,000 principal amount of First Mortgage 6% Gold Bonds, Series A, due 1942 and 1,900 shares of common stock with a par value of $100 per share for a cash consideration of $660,100.

2. The contribution by Great Lakes to the capital of Ohio, prior to or simultaneously with the closing of the following:

(a) $125,000 principal amount of Ohio's First Mortgage 6% Gold Bonds, due 1942, such amount being the excess of the outstanding principal amount of such bonds over the principal amount ($525,000) of such bonds proposed to be sold by Great Lakes as set forth in paragraph 1 above.

(b) All claims for interest on the principal amount of Ohio's bonds owned by Great Lakes less interest paid in cash thereon by Ohio between May 1, 1945 and the date of closing.

(c) All open account, note and other indebtedness owed by Ohio to Great Lakes at the date of closing, including interest thereon and any claim in respect of the amount of $5,990 heretofore paid by Great Lakes to Ohio in connection with a subscription by Great Lakes to 599 shares of capital stock of Ohio which subscription will be cancelled.

A public hearing having been held after appropriate notice, and the Commission having filed its findings and opinion herein;

Great Lakes and Ohio, having requested that the Commission's order shall conform with sections 371 (b), 371 (d), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals, specifications and itemizations described in sections 371 (b), 371 (f) and 1808 (f) thereof;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that Great Lakes obtain approval of the proposed sale of Ohio by the United States District Court for the Eastern District of Pennsylvania;

It is further ordered, That the transactions proposed in the aforesaid declarations and amendments thereto to be effected by Great Lakes and Ohio, including particularly those hereinafter described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The sale by Great Lakes of securities owned by it of Ohio consisting of $525,000 principal amount of First Mortgage 6% Gold Bonds, Series A, due May 1, 1942, and 1,900 shares of Common Stock of the par value of $100 per share to Frederick E. Zeuch of Chicago, Illinois, or his nominee or nominees, or his successors or assigns, for a consideration of $660,100 pursuant to the provisions of that certain agreement, as amended, between Great Lakes and said Frederick E. Zeuch dated October 14, 1945;

(b) The expenditure or application by Great Lakes of the proceeds of the sale of its investment in Ohio as aforesaid, or an amount equivalent thereto, in the payment and satisfaction and retirement of outstanding first lien collateral trust gold bonds, 5½% Series due 1942, of Great Lakes Utilities Corporation heretofore assumed by Great Lakes Utilities Company, due may 1, 1942 and extended to May 1, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–9; Filed, Jan. 2, 1946; 9:41 a. m.]

[File Nos. 54–87, 31–539]

FEDERAL LIGHT & TRACTION CO. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of December, A. D. 1945.

In the matter of Federal Light & Traction Company, The Trinidad Electric Transmission, Railway & Gas Company, New Mexico Power Company, Stonewall Electric Company, File No. 54–87. J. G. White & Company, Inc., File No. 31–539.

Federal Light & Traction Company (Federal), a registered holding company subsidiary of Cities Service Power & Light Company, also a registered holding company, its subsidiaries, The Trinidad Electric Transmission, Railway & Gas Company (Trinidad), New Mexico Power Company (New Mexico), and Stonewall Electric Company (Stonewall), having filed applications and declara-

tions and amendments thereto, pursuant to sections 6, 7, 9, 10, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-44 thereunder regarding (a) the sale by Federal of its holdings of all the common stock of Trinidad, (b) the sale by New Mexico and the acquisition by Trinidad of those electric properties of New Mexico located in Colfax and Mora Counties in the State of New Mexico, known as the Dawson Division, (c) the issue and sale by Trinidad of $300,000 principal amount of its first mortgage bonds due 1966 and of a nine months 3% promissory note in the principal amount of $207,000, (d) the use of $300,000 of the proceeds of the sale of the Dawson Division by New Mexico toward the purchase for retirement of its first mortgage bonds due 1966, and (e) the organization of a new Colorado corporation temporarily designated as the X Corporation, the acquisition of all the common stock of said corporation by Trinidad, the acquisition by X Corporation and the sale by Stonewall of those Colorado properties of Stonewall which are interconnected with and are extensions of the transmission and distribution lines of Trinidad, the assumption by X Corporation of the bonds of Stonewall secured by such properties and the substitution of X Corporation for Stonewall as mortgagor under indenture dated April 20, 1939, the assumption by said corporation of Stonewall's interest as lessor under agreements existing between Stonewall and Trinidad and of Stonewall's liability to the Rural Electrification Administration for $64,741; and

J. G. White & Company, Inc., having filed applications pursuant to sections 9 (a) (2) and 10 of the act regarding the acquisition of the common stock of Trinidad and pursuant to sections 3 (a) (4) and 3 (a) (5) for exemption from the provisions of the act; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the application and declaration, as amended, of Federal Light & Traction Company, The Trinidad Electric Transmission, Railway & Gas Company, New Mexico Power Company and of Stonewall Electric Company and the application of J. G. White & Company, Inc., regarding the acquisition of the common stock of The Trinidad Electric Transmission, Railway & Gas Company be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24;

It is further ordered, That the application of J. G. White & Company, Inc., for exemption pursuant to section 3 (a) (5) of the act be, and it hereby is, granted to J. G. White & Company, Inc., in its capacity as a holding company for its foreign subsidiaries.

It is further ordered, That the application of J. G. White & Company, Inc., on behalf of itself and its subsidiaries as such for exemption pursuant to section 3 (a) (4) of the act be, and it hereby is, granted for a period of twelve months from the date of acquisition of the common stock of Trinidad except that J. G. White & Company, Inc., and its subsidiaries, as such, shall not be exempt from sections 6, 7, 9, 10, 12 (b), 12 (c) and 12 (f) of the act insofar as these sections concern The Trinidad Electric Transmission, Railway & Gas Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-8; Filed, Jan. 2, 1946; 9:41 a. m.]

[File No. 54-133]

ASSOCIATED GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December 1945.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation, Associated General Utilities Company, Metropolitan Edison Company, Gas & Electric Associates, File No. 54-133.

An application for approval of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 having been filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and the following direct or indirect subsidiaries of the said two registered holding companies: NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation (formerly Associated Utilities Corporation), and Gas & Electric Associates, each of which is a registered holding company, and Metropolitan Edison Company and Associated General Utilities Company; and the said plan proposing that various securities registered in the names of Day & Co., Dean & Co., Drake & Co., and Holland & Co., be transferred and delivered to the respective applicants above named, as beneficial owners of such securities, and that Day & Co., Dean & Co., Drake & Co., and Holland & Co. be dissolved; and

The Commission having on November 1, 1945, made and filed its findings and opinion and order (Holding Company Act Release No. 6180) approved the plan subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated pursuant to said act; and

Applicants having on December 27, 1945, advised the Commission that, although most of the securities referred to in said plan have been transferred and Drake & Co. and Holland & Co. have been dissolved, the parties have been unable to consummate all of the transactions proposed by said plan, and having requested that the time for such consummation be extended to and including February 15, 1946; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that such extension of time be granted:

It is ordered, That the time for consummating such transactions be, and hereby is, extended to and including February 15, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-12; Filed, Jan. 2, 1946; 9:42 a. m.]

[File No. 70-1091]

ROCHESTER GAS AND ELECTRIC CORP.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of December, A. D. 1945.

Rochester Gas and Electric Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 12 (c) and 12 (e) thereof and Rules U-42, U-62 and U-65 promulgated thereunder; said declaration, as amended, concerning, among other things, the proposed reclassification of declarant's outstanding 120,000 shares of 6% preferred stock and 40,000 shares of 5% preferred stock into 160,000 shares of 4% preferred stock, and, in connection therewith, the retirement of 40,000 shares of such reclassified stock; and said declaration having been further concerned with the solicitation of proxies of declarant's preferred stockholders in connection with the reclassification and retirement program; and

The Commission having, on October 1, 1945, issued its interim order permitting declaration regarding solicitation to become effective; said order having reserved jurisdiction over all other aspects of the proposed reclassification and retirement of declarant's preferred stock as provided in said declaration, as amended, including the payment of fees and expenses other than the proposed fee for solicitation of proxies; and

Public hearings having been held after appropriate notice, the Public Service Commission of the State of New York having issued its order approving the proposed reclassification and retirement program, the Commission having considered the record in this matter and having made and filed its supplemental findings and opinion herein:

It is ordered, Pursuant to the applicable provisions of said act, that said declaration, as amended, be and hereby is permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations, to the continuance of our reservation of jurisdiction over fees and expenses of counsel and subject further to the following additional condition:

That, except in accordance with a further order of this Commission, Rochester Gas and Electric Corporation shall pay no dividends on its common stock except out of earnings applicable to such stock accumulated subsequent to December 31, 1944 after first deducting therefrom $200,000 equivalent to the call premium on the 40,000 shares of preferred stock to be retired plus an amount equal to the expenses of consummating the proposed reclassification and retirement of preferred stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-2; Filed, Jan. 2, 1946; 9:40 a. m.]

[File No. 70-1147]

ASSOCIATED GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December, 1945.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, Associated Electric Company, NY PA NJ Utilities Company, File No. 70-1147.

Stanley Clarke, Trustee of Associated Gas and Electric Company (Ageco), and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (Agecorp), and their subsidiaries, Associated Electric Company (Aelec) and NY PA NJ Utilities Company (NY PA NJ), each of said companies being a registered holding company, having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a), 10, and 12 thereof and Rules U-42, U-43 and U-46 promulgated thereunder; said application-declaration being concerned with proposed transactions involved in carrying into effect the settlement of various claims of Aelec, for itself and its subsidiaries, against its parent companies Ageco and Agecorp, such proposed transactions including: (1) the issue and delivery by General Public Utilities Corporation, the surviving company under the plan of reorganization of Ageco and Agecorp dated June 14, 1943, as amended, of 107,000 shares of its common stock to be acquired by Aelec and pledged with Guaranty Trust Company of New York as trustee under the indenture securing Aelec's outstanding debentures; (2) the transfer and delivery by Agecorp to, and the acquisition for cancellation by, Aelec of 250,000 shares of Aelec's outstanding common stock, and the reduction of Aelec's capital from $35,000,000 to $21,500,000; and (3) the transfer by NY PA NJ of 166,600 shares of common capital stock constituting the entire issue of such stock, of its subsidiary, Pennsylvania Edison Company, to Agecorp and the transfer and delivery by Agecorp of such shares to Aelec; and

The applicants having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that such order conform to the provisions of section 1808 (f) and section 373 (a) of the Internal Revenue Code; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, Pursuant to the applicable provisions of said act, that the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act, to the reservation of jurisdiction with respect to the fees and expenses of Aelec, and to the further condition that:

If and when the 107,000 shares of common stock of General Public Utilities Corporation to be received by Associated Electric Company, or any part thereof (hereinafter referred to as the Pledged Stock) shall have become a free asset of Associated Electric Company and shall be no longer subject to the lien of the proposed Supplemental Indenture to Guaranty Trust Company of New York, as Trustee; and either

(a) General Public Utilities Corporation's option to purchase the stock so released shall have expired without such option being exercised; or

(b) General Public Utilities Corporation shall have exercised such option in whole or in part and shall have received all requisite regulatory orders permitting the consummation of its purchase of such stock;

Associated Electric Company shall divest itself of all interest, direct or indirect, in the pledged stock so released from the lien of said supplemental indenture within a period of ninety days from the expiration of such option period under clause (a), or from the date of the last requisite regulatory order under clause (b) whichever first occurs, subject to such extension of time as the Commission may upon request deem appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved, pursuant to the provisions of section 11 of the act, to require Associated Electric Company to divest itself of the 107,000 shares of common stock of General Public Utilities Corporation, entirely apart from, and independently of, the provisions of the supplemental indenture, or of the condition contained in the foregoing ordering clause.

It is further ordered, And recited that the following transactions authorized and permitted by this order are appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The transfer and delivery by NY PA NJ to the Agecorp Trustees of 166,600 shares of common stock of Pennsylvania Edison Company and either (a) the reduction of the indebtedness of NY PA NJ to the Agecorp Trustees by an amount equal to the value at which such shares of Pennsylvania Edison Company stock are carried on the books of NY PA NJ, or (b) the receipt by the Agecorp Trustees of such stock of Pennsylvania Edison Company as a dividend payable out of the capital surplus of NY PA NJ.

(2) The transfer and delivery by the Agecorp Trustees to Associated Electric Company of 166,600 shares of common stock of Pennsylvania Edison Company.

(3) The transfer and surrender by the Agecorp Trustees to Associated Electric Company, for cancellation, of 250,000 shares of common stock of Associated Electric Company, now held by the Agecorp Trustees and the cancellation of such shares by Associated Electric Company.

(4) The issuance and delivery to Associated Electric Company by General Public Utilities Corporation, the surviving company under the plan of reorganization of Ageco and Agecorp, dated June 14, 1943, as amended, of 107,000 shares of the common stock of General Public Utilities Corporation, and the acquisition of such shares by Associated Electric Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-10; Filed, Jan. 2, 1946; 9:42 a. m.]

[File No. 70-1148]

NORTHERN STATES POWER CO. (MINN.)

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December 1945.

Northern States Power Company (Minnesota) an electric utility company and a registered holding company subsidiary of Northern States Power Company (Delaware) also a registered holding company having filed a declaration and amendments thereto under sections 6 and 7 of the Public Utility Holding Company Act of 1935 with respect to the issuance and sale by Northern States Power Company (Minnesota) of $75,000,000 principal amount of First Mortgage Bonds Series due October 1, 1975 in accordance with Rule U-50 promulgated under said Act, the proceeds of sale of such securities to be used together with general funds of Northern States Power Company (Minnesota) to redeem the outstanding First and Refunding Mortgage Bonds 2½% Series due February 1, 1967 in the principal amount of $75,000,000 at the redemption price of $78,187,500 (104¼% of the principal amount thereof) plus accrued interest;

The Commission having by order dated October 15, 1945, permitted said declaration as amended to become effective except in certain respects and said order having among other things reserved jurisdiction with respect to all legal fees and expenses to be paid in connection with the said transactions;

The record having been completed in respect of such legal fees which consist of fees for A. Louis Flynn, counsel for Northern States Power Company (Minnesota), in the amount of $25,000 and expenses of $2,120.38 and fees for Messrs. Gardner, Carton & Douglas, counsel for the successful bidders for said Bonds, in the amount of $15,000 and expenses of $1,500; and information having been submitted regarding the nature and extent of the services rendered by said respective counsel; and

The Commission having considered the record herein and finding that said fees and expenses are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved over the legal fees and expenses to be paid in connection with the said transactions be, and the same hereby is, released.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-3; Filed, Jan. 2, 1946; 9:40 a. m.]

[File No. 70-1154]

UNION ELECTRIC CO. OF MISSOURI

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of December, 1945.

The Commission on October 16, 1945, having permitted the declaration to become effective with respect to the issuance and sale of $13,000,000 principal amount of First Mortgage and Collateral Trust Bonds, Series due October 1, 1975, and 40,000 shares of preferred stock, without par value (stated value $4,000,000);

The Commission having by said order reserved jurisdiction over the payment of all legal fees and expenses to be paid to attorneys in connection with the proposed transactions; and

Statements of counsel having been filed describing the services performed by such counsel and expenses in connection with said transactions as follows:

	Fees and expenses
Sullivan & Cromwell	$7,500
Igoe, Carroll, Keefe & Coburn	7,500
Cahill, Gordon, Zachry & Reindel	12,500
Total	27,500

It appearing to the Commission that such proposed fees and expenses are for necessary services and are not unreasonable;

It is ordered, That jurisdiction over said legal fees and expenses proposed to be paid to the above-named counsel be and hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-14; Filed, Jan. 2, 1946; 9:42 a. m.]

[File No. 70-1185]

SOUTHERN NATURAL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December, A. D. 1945.

In the matter of Southern Natural Gas Company, Southern Production Company, Inc. (Alabama), Southern Production Company, Inc. (Delaware), File No. 70-1185.

Southern Natural Gas Company (Southern), a registered holding company and a subsidiary of Federal Water and Gas Corporation, also a registered holding company, Southern Production Company, Inc., of Alabama (Alabama), a subsidiary of Southern, and Southern Production Company, Inc., of Delaware (Delaware), also a subsidiary of Southern, having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, relating to the proposals of Delaware (1) to issue and sell to Southern 1,000 shares of common stock at par value of $1 per share, (2) to acquire from Southern all the common stock of Alabama, (3) to acquire all the assets and assume all the liabilities of Alabama and (4) to issue and sell to Southern additional shares of common stock from time to time on or before March 31, 1946, in such amounts (not in excess of an aggregate of 1,499,000 shares) and at such prices (not less than $1 per share) as will produce a total of not less than $999,000 and not in excess of $2,099,000, the proceeds of such sales to be used for development of and exploration for gas reserves, and for the repayment of Alabama's outstanding 2½% Serial Notes owned by Southern; the proposals of Southern to acquire the shares of common stock of Delaware and to donate all the common stock of Alabama to Delaware; and the proposals of Alabama to sell its assets to Delaware and to repay its outstanding 2½% Serial Notes owned by Southern;

Said application and declaration having been filed on the 8th day of November, 1945, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are not in contravention of the Act or any rules or regulations promulgated thereunder, that the proposed transactions satisfy the requirements of sections 6 (b), 10, 12 (c) and 12 (f) of the act and of the rules thereunder insofar as they are applicable, and that it is appropriate in the public interest and in the interests of investors and consumers that said application be granted and said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same hereby is, granted, and that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-7; Filed, Jan. 2, 1946; 9:41 a. m]

[File No. 70-1208]

UNION COLLIERY CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of December 1945.

Union Colliery Company, an indirect subsidiary of Union Electric Company of Missouri, a registered holding company, having filed a declaration pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the exemption of the proposed issuance and delivery of certain promissory notes to the First National Bank in St. Louis, St. Louis, Missouri, in the aggregate amount of $1,000,000 to evidence a bank loan of said amount; such notes to mature in installments from December 31, 1947 to December 31, 1951 and to bear interest at the rate of 2% per annum; and such loan to provide funds which, together with cash of Union Colliery Company, is to enable the company to obtain rights to and open a new mine with mechanized equipment;

Said declaration having been filed on December 7, 1945 and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act, and the Commission not having received a request for hearing with respect to the application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the issue and sale of said notes are solely for the purposes of financing the business of the applicant which is not a holding company, a public-utility company, an investment company or a fiscal or financing agency of a holding company, a public-utility company or an investment company and the Commission deeming it not necessary to impose terms and conditions with respect to said issue and sale in the public interest or for the protection of investors or consumers.

It is hereby ordered, Pursuant to said Rule U-23 that said declaration be and the same is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-13; Filed, Jan. 2, 1946; 9:42 a. m.]

[File No. 70-1190]

UNITED CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of December 1945.

The United Corporation, a registered holding company, having filed a declaration, pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935, proposing (a) to reduce its authorized amount of common stock from 24,000,000 shares to 18,261,551 shares and to change such authorized shares from no par value stock to $1 per share par value stock; and (b) to reduce its authorized amount of preference stock from 5,000,000 shares to 1,214,700 shares and to change such authorized shares from no par value stock to $5 per share par value stock; and

A public hearing having been held upon such matter, after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration be, and hereby is, permitted to become effective subject to the terms and conditions contained in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of counsel.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-5; Filed, Jan. 2, 1946; 9:41 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, as amended, 54 Stat. 163-167 (46 U.S.C. 375, 526-526t), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed, effective upon the date of publication in the FEDERAL REGISTER:

BUOYANT CUSHION FOR MOTORBOATS

15" x 20" x 2" tufted rectangular style kapok buoyant cushion, Approval No. B-284, manufactured by Cluff Fabric Products, 457-467 East 147th Street, New York, N. Y. (For use on motorboats of Classes. A, 1, and 2, not carrying passengers for hire.)

Dated: December 28, 1945.

L. T. CHALKER,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 45-23140; Filed, Dec. 29, 1945; 11:40 a. m.]