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Regulations

TITLE 7—AGRICULTURE

**Chapter VII—War Food Administration
(Agricultural Adjustment)**

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

FIRE-CURED TOBACCO

Whereas pursuant to section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture, on the 28th day of November, 1942, proclaimed that a national marketing quota shall be in effect with respect to the marketing of fire-cured tobacco during the 1943-44 marketing year, and the Secretary of Agriculture, on the 31st day of December, 1942, proclaimed the determination of the apportionment of the national marketing quota among States and determination of State yields per acre and State acreage allotments for fire-cured tobacco for the 1943-44 marketing year, and

Whereas the War Food Administrator has reason to believe that because of the present national emergency, termination of the marketing quota for fire-cured tobacco for the 1943-44 marketing year is necessary in order to effectuate the declared policy of the act, and has caused an investigation to be made, and

Whereas the War Food Administrator hereby finds and determines that the termination of the marketing quota for fire-cured tobacco for the 1943-44 marketing year is necessary in order to meet the present national emergency:

Now, therefore, pursuant to the authority vested in the Secretary of Agriculture by section 371 (b) of the Agricultural Adjustment Act of 1938, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, it is hereby proclaimed that:

§ 726.501 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1943.* * * *

(e) *Termination of national marketing quota.* The national marketing

quota for fire-cured tobacco for the 1943-44 marketing year is hereby terminated.

§ 726.502 *Determination of the apportionment of national marketing quota among States and determination of State yields per acre and State acreage allotments for fire-cured tobacco for the 1943-44 marketing years.* The determination of the apportionment of the national marketing quota among States, and the State acreage allotments for fire-cured tobacco for the 1943-44 marketing year are hereby revoked for the purposes of Title III of the Agricultural Adjustment Act of 1938, as amended.

(Sec. 371 (b), 7 U.S.C. 1940 ed. 1371 (b), 52 Stat. 64)

Done at Washington, D. C., as of the 14th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15395; Filed, September 20, 1943; 4:40 p. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

DARK AIR-CURED TOBACCO

Whereas pursuant to section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture, on the 28th day of November, 1942, proclaimed that a national marketing quota shall be in effect with respect to the marketing of dark air-cured tobacco during the 1943-44 marketing year, and the Secretary of Agriculture on the 31st day of December, 1942, proclaimed the determination of the apportionment of the national marketing quota among States and determination of State yields per acre and State acreage allotments for dark air-cured tobacco for the 1943-44 marketing year, and

Whereas the War Food Administrator has reason to believe that because of the present national emergency, termination of the marketing quota for dark air-cured tobacco for the 1943-44 marketing year is necessary in order to effectuate the declared policy of the act, and

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

CENSUS BUREAU:	Page
Manufacturing industries, 1943 census	12861
INTERSTATE COMMERCE COMMISSION:	
Icing or reicing permits:	
Long Island Rail Road Co.	12909
Northwestern Pacific Railroad Co., et al.	12910
Southern Pacific Co., et al (2 documents)	12910
Union Pacific Railroad Co. (2 documents)	12910
NAVY DEPARTMENT:	
Admission into the Naval Academy as midshipmen, regulations revised	12893
OFFICE OF DEFENSE TRANSPORTATION:	
Coordinated operations, taxicabs:	
Bluefield, W. Va., area	12911
Middletown, Ohio, area	12911
Traffic movement direction; transportation of anchor chain within switching limits of Portland, Oreg.	12909
OFFICE OF ECONOMIC WARFARE:	
Prohibited exportation; miscellaneous commodities	12861
OFFICE OF PRICE ADMINISTRATION:	
Douglas fir plywood (2d RMPR 13)	12887
Ethyl alcohol (MPR 28, Am. 4)	12879
Fats and oils (MPR 53)	12873
Flaxseed (MPR 397, Am. 4)	12892
Laundry and dry cleaning (MPR 165, Supp. Service Reg. 18)	12887
Lumber, western pine (MPR 94, Am. 8)	12878
Regional and district office orders:	
Food and drink sold for immediate consumption, Muskogee County, Okla. (2 documents)	12883, 12912
Pennsylvania anthracite, Middlesex County, N. J.	12913
Solid fuels, Knoxville area, Tenn.	12915
Rice and rice milling products (RMPR 150, Am. 2)	12873
Salmon (MPR 265, Am. 3)	12874
Salt codfish, hake, haddock, cusk and pollock (RMPR 384)	12874

(Continued on next page)



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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION— Continued.	Page
Sausage products (MPR 286, Am. 6).....	12874
Service of process upon Administrator in court proceedings.....	12912
Steel pressure canners, new enameled (MPR 188, Am. 2 to Order 379).....	12912
Synthetic resins, plastic materials, and substitute rubber (MPR 406).....	12879
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Federated Utilities, Inc., et al.....	12917
NY PA NJ Utilities Co. and New Jersey Power & Light Co.....	12918
United Gas and Electric Corp.....	12918
SELECTIVE SERVICE SYSTEM:	
Hawaii, boards of transfer.....	12861
Quotas and credits; computation of subdivision credits.....	12861
TARIFF COMMISSION:	
Medical swabs, hearing on sale and importation.....	12919
WAR FOOD ADMINISTRATION:	
1943-44 marketing quotas, termination:	
Dark air-cured tobacco.....	12859
Fire-cured tobacco.....	12859
Rice's Bakery, suspension order.....	12860
WAR PRODUCTION BOARD:	
Cotton duck (M-91).....	12868
Hides, skins, and leather (M-310).....	12864
Printing and publishing:	
Books (L-245, Supp. 1).....	12863
Magazines (L-244, Supp. 1).....	12863
Newspapers (L-240, Supp. 1).....	12863

CONTENTS—Continued

WAR PRODUCTION BOARD—Con.	Page
Refrigerators, domestic ice (L-7-c).....	12869
Safety equipment (L-114).....	12870
Suspension orders:	
M'Quay Supply Co.....	12863
Pauley Lumber Co.....	12862
Typewriters (L-54-a).....	12871

has caused an investigation to be made, and

Whereas the War Food Administrator hereby finds and determines that the termination of the marketing quota for dark air-cured tobacco for the 1943-44 marketing year is necessary in order to meet the present national emergency:

Now, therefore, pursuant to the authority vested in the Secretary of Agriculture by section 371 (b) of the Agricultural Adjustment Act of 1938, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, it is hereby proclaimed that:

§ 726.551 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1943.* * * *

(e) *Termination of national marketing quota.* The national marketing quota for fire-cured tobacco for the 1943-44 marketing year is hereby terminated.

§ 726.552 *Determination of the apportionment of national marketing quota among States and determination of State yields per acre and State acreage allotments for dark air-cured tobacco for the 1943-44 marketing year.* The determination of the apportionment of the national marketing quota among States, and the State acreage allotments for dark air-cured tobacco for the 1943-44 marketing year are hereby revoked for the purposes of Title III of the Agricultural Adjustment Act of 1938, as amended.

(Sec. 371 (b), 7 U.S.C. 1940 ed. 1371 (b), 52 Stat. 64.)

Done at Washington, D. C., as of the 14th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15396; Filed, September 20, 1943; 4:40 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[Suspension Order Docket No. FDA-NE-39]

PART 1590—SUSPENSION ORDERS

RICE'S BAKERY

This proceeding was instituted by the issuance and service of a Statement of Charges and Procedure by the Acting Regional Administrator for the Northeast Region, Food Distribution Administration, War Food Administration, from which it appears that Rice-Schmidt

Baking Company, a corporation operating under the trade name of "Rice's Bakery," 709 12th Street Southeast, Washington, D. C. (the "respondent"), delivered bakery products and accepted return thereof in violation of Food Distribution Order 1 (7 F.R. 11105), issued by the Secretary of Agriculture on December 29, 1942, and effective January 18, 1943, as amended. The respondent filed an answer and requested a hearing. Pursuant to this request a hearing was held before a presiding officer in Washington, D. C., on June 18, 1943, at which the respondent, in person and by counsel, and a representative of the War Food Administration, appeared, adduced evidence, cross-examined witnesses and were otherwise heard.

Upon the basis of the evidence adduced at the hearing, which includes a stipulation that driver-salesmen employed by respondent accepted the return of bakery products from retail customers, the War Food Administrator finds that respondent is a corporation organized and existing under the laws of the State of Maryland, engaged in business as a baker at 709 12th Street Southeast, Washington, D. C., under the trade name of Rice's Bakery; is subject to all of the provisions of Food Distribution Order 1, as amended, and violated Food Distribution Order 1, as amended, in the manner and to the extent alleged in the Statement of Charges.

In determining the sanction to be imposed on respondent pursuant to the priority and allocation powers delegated to the War Food Administrator, consideration has been given to the fact that the record indicates respondent advised its employees to observe Food Distribution Order 1, and had taken other steps toward effectuating compliance therewith.

Therefore, It is ordered, That:

§ 1590.8 *Suspension order against Rice-Schmidt Baking Company.* (a) Respondent, its agents, successors, or assigns, shall not, in any manner, directly or indirectly, engage in the commercial manufacture or distribution of any bakery products for a period of fifteen (15) days:

Provided, however, That this period of suspension shall be held in abeyance until such time as it may be determined, after notice and hearing, that respondent is in further violation of Food Distribution Order 1, as amended, or as it may be amended.

(b) Nothing contained in this order shall be deemed to relieve respondent, its agents, successors, or assigns from any restriction, prohibition, or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(c) Any terms used in this order which are defined in Food Distribution Order 1 (7 F.R. 11105), issued by the Secretary of Agriculture on December 29, 1942, and made effective on January 18, 1943, shall have the meaning therein given to them, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(d) This order shall be effective as of the date of issuance.

(E.O. 9280, 7 F.R. 10179; E.O. 9332, 8 F.R. 3807, E.O. 9334, 8 F.R. 5423)

Issued this 20th day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15397; Filed, September 20, 1943; 4:40 p. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census

[Order 281]

MANUFACTURING INDUSTRIES

ORDER DISPENSING WITH THE TAKING OF THE CENSUS FOR 1943

Pursuant to the provisions of section 1401 of the Second War Powers Act, 1942, approved March 27, 1942, 56 Stat. 186, 50 U.S.C. App. Sup. 644, and the directions and regulations of the President contained in Executive Order 9152, dated April 29, 1942 (7 F.R. 3257); *It is hereby ordered*, That the taking of the census of manufacturing industries for 1943 be dispensed with.

[SEAL] JESSE H. JONES,
Secretary of Commerce.

SEPTEMBER 20, 1943.

[F. R. Doc. 43-15415; Filed, September 21, 1943; 11:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 174, 2d Ed.]

PART 631—QUOTAS AND CREDITS

CREDITS FOR SUBDIVISIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations Second Edition, are hereby amended in the following respect:

1. Amend § 631.2 to read as follows:

§ 631.2 *Credit*. The credit for any subdivision is:

(1) The total number of registrants of the subdivision who have been classified in Class I-C by reason of their induction into the land or naval forces through the Selective Service System, plus

(2) The total number of registrants and nonregistrants from the subdivision known by the Director of Selective Service to have been members of the land or naval forces on November 30, 1940, or to have thereafter become members of such forces other than by induction through the Selective Service System, less

(3) The total number of men who, after becoming members of the land or naval forces, have been separated therefrom prior to September 1, 1943, for any reason except (a) death, or (b) physical or mental disability by discharge dated on or after December 8, 1941.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 13, 1943.

[F. R. Doc. 43-15404; Filed, September 21, 1943; 10:49 a. m.]

[Amdt. 173, 2d Ed.]

PART 663—BOARDS OF TRANSFER IN TERRITORY OF HAWAII

AMENDMENT OF EFFECTIVE DATE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amendment No. 170 to part 663 of the Selective Service Regulations is hereby revised to change the effective date thereof from October 1, 1943, to November 1, 1943.

The foregoing revision shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 16, 1943.

[F. R. Doc. 43-15403; Filed, September 21, 1943; 10:49 a. m.]

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amendment 104]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Shipping Priority Rating" the shipping priority rating assigned to the commodities listed below, at every place where said commodities appear in said section, is hereby deleted and in the column headed "General License Group" at every place where said commodities appear in said section is hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Abrasive manufactures:		
Grindstones.....	5406.00	None
Natural abrasives, hones, whetstones, etc., n. e. s.....	5409.98	62
Corundum.....	5409.98	
Other natural abrasives, hones, whetstones, etc., n. e. s. (include infusorial and diatomaceous earth, flint, rottenstone, tripoli and garnet).....	5409.98	None
Buttons:		
Buttons & parts of other materials (include metal).....	9712.90	None
Button parts, backs, blanks & molds (specify type of article).....	9713.00	None
Chemicals: Baking powder.....	8230.00	None
Clay and clay products:		
Electrical porcelain for less than 6,600 volts.....	5370.00	None
Electrical porcelain for 6,600 volts & over.....	5336.00	None
Coal and related fuels:		
Anthracite.....	5001.00	None
Bituminous.....	5002.00	None
Coal & coke briquets.....	5003.00	None
Cotton Manufactures:		
Bed sheets & pillow cases.....	3178.00	None
Bedspreads, candlewick, chenille & tufted.....	3175.00	None
Bedspreads, plain, crinkle doobby & jacquard.....	3176.00	None
Blankets.....	3171.00	None
Boys' clothing of woven fabrics, n. e. s. (include bathrobes, seersucker suits & slacks & boys' playsuits, overalls, etc.).....	3120.98	None
Braids, ribbons, trimmings, bindings, lacings, tape-labels & webbing.....	3160.00	None
Broadcloth, carded, bleached.....	3048.00	None
Broadcloth, carded, dyed in the piece.....	3049.10	None
Broadcloth, carded, printed.....	3049.20	None
Chambrays, chevots & shirtings.....	3060.00	None
Checceloth & gauze, bleached or dyed (full piece).....	3050.00	None
Children's outerwear, not knit.....	3127.00	None
Cloth, gray, n. e. s.....	3039.00	None
Clothing, men's, of woven fabrics, n. e. s.....	3120.05	None
Combed & Carded goods, n. e. s.....	3074.00	None
Curtains & draperies (include cotton bath curtains).....	3181.00	None
Denims.....	3057.00	None
Dresses & ensembles, women (include eyelet, velveteen, & lace).....	3122.00	None
Fabrics, colored yarn, n. e. s. (include seersucker & tickings, n. e. s.).....	3061.00	None
Fabrics, cotton & rayon mixtures.....	3079.00	None
Fabrics, cotton & wool mixtures.....	3076.00	None
Fabrics, knit in the piece.....	3080.00	None
Fabrics, narrow, n. e. s. (include lamp wicks & wicking & hose not rubberized).....	3161.00	None
Gloves, dress & all other (woven or knit) (include children's mittens of cotton).....	3091.20	None
Gloves, mitts & gauntlets, work of fabric.....	3091.10	None
Handkerchiefs.....	3090.00	None
Hosiery, children's.....	3094.00	None
Hosiery, men's.....	3095.00	None
Hosiery, women's.....	3093.00	None
House furnishings, n. e. s. (include napery, cotton floor coverings & furniture slip covers).....	3189.00	None
Jackets & windbreakers, boys'.....	3113.98	None
Jackets & windbreakers, men's.....	3113.05	None
Knit apparel, men's, cotton, n. e. s.....	3099.95	None
Knit apparel, n. e. s. (except men's).....	3099.98	None
Laces, embroideries & articles thereof, n. e. s.....	3185.00	None
Marquisettes, combed.....	3073.00	None
Nightwear, boys', woven.....	3115.98	None
Nightwear, men's, woven.....	3115.05	None
Nightwear, women's & children's knit (include balbriggan pajamas & "Dentons").....	3098.00	None
Overalls, breeches, etc., n. e. s.....	3114.00	None
Pile fabrics, other (include velveteens, corduroys & terry fabrics).....	3088.00	None
Piques, combed.....	3070.00	None
Plushes.....	3087.00	None
Printcloth, bleached.....	3051.10	None
Printcloth, dyed in the piece.....	3052.10	None
Printcloth, printed.....	3052.20	None
Printcloth, yarn fabric construction, unbleached (gray), n. e. s.....	3037.00	None
Quilts, comfortables, & quilted bedspreads.....	3173.00	None
Remnants & fabrics, n. e. s., sold by the pound (include mill ends & short pieces of less than 10 yards).....	3089.50	None

Commodity	Department of Commerce No.	General license group
Cotton Manufactures—Con.		
Shirts, boys', n. e. s. (except knit)	3177.29	None
Shirts, men's not knit, n. e. s.	3177.25	None
Shirts, work	3177.10	None
Suitings, twill-coverts & cotton-ades	3058.00	None
Sweaters, jersey pullovers & sweat-shirts, boys'	3099.19	None
Sweaters, jersey pullovers & sweat-shirts, men's	3099.15	None
Sweaters, shawls, & mufflers, women's & children's	3099.50	None
Table damask in the piece	3082.00	None
Tapestry & other upholstery & drapery materials, jacquard & dobby-woven	3084.00	None
Thread, crochet, darning & embroidery	3016.00	None
Tobacco & cheese cloth	3036.00	None
Towels & toweling, huck, damask & plain-woven	3188.00	None
Towels, wash cloths & bath mats, terry woven	3187.00	None
Twine, rope & cordage (except tire cord)	3018.00	None
Underwear, boy's, knit	3096.98	None
Underwear, boy's, woven fabric	3116.19	None
Underwear, men's, knit	3096.05	None
Underwear, men's, not knit	3116.15	None
Underwear, women's & children's, knit	3097.00	None
Underwear & nightwear, women's, not knit (include dappers)	3124.00	None
Volles, organdies, lawns, & batiste	3067.00	None
Women's & children's apparel of woven fabrics, n. e. s. (include blouses, skirts, bathrobes, uniforms, washable apparel, n. e. s.)	3129.00	None
Manufactures, n. e. s. (include molleton padding, fish nets, dyed cotton flocks & semi-manufactures, n. e. s.)	3199.00	None
Glass & glass products:		
Beverage bottles, including soda, beer & alcoholic beverage bottles	5234.00	None
Bottles, milk	5234.00	None
Chemical glassware, n. e. s.	5291.00	None
Electric insulators, glass	5292.00	None
Glass, n. e. s. (including flat glass specialties, mirrors & glass brick)	5230.98	None
Ophthalmic glass	5230.98	None
Other glass, n. e. s. (including flat glass specialties, mirrors & glass brick)	5320.98	None
Unfilled glass containers	5236.00	None
Meat products:		
Kidneys & livers, fresh, frozen, or cured	0041.00	None
Tongues, fresh, frozen, or cured	0043.00	None
Canned meats, n. e. s.	0039.09	None
Nonmetallc minerals: Charcoal	5880.00	None
Nuts:		
Almonds, sweet	1379.03	None
Apricot & peach pits & kernels	1374.00	None
Brazil or cream nuts	1379.05	None
Pilberts	1379.07	None
Pecans, not shelled	1376.50	None
Pecans, shelled	1376.10	None
Nuts, n. e. s.	1379.98	None
Cashew nuts	1379.98	62
Other nuts, n. e. s.	1379.98	None
Walnuts, not shelled	1377.50	None
Walnuts, shelled	1377.10	None
Seeds:		
Clover, red	2402.00	None
Flower seeds	2467.00	None
Kentucky blue grass	2407.00	None
Red top	2408.00	None
Timothy	2406.00	None
Clover, n. e. s.	2405.00	None
Alyke clover	2405.00	62
Other clover, n. e. s.	2405.00	None
Grass & field seeds, n. e. s.	2419.00	None
Meadow fescue	2419.00	62
Orchard grass	2419.00	62
Other grass & field seeds, n. e. s.	2419.00	None
Vegetable seeds, n. e. s.	2468.90	None
Fennel seeds	2468.90	62
Onion seeds	2468.90	62
Other vegetable seeds, n. e. s.	2468.90	None
Soap & toilet preparations:		
Shaving creams	8718.00	None
Shaving cakes, powders, & sticks	8719.00	None
Scouring bricks, pastes, powders, soaps & household washing powders	8724.00	None
Synthetic textiles:		
Dresses, skirts, blouses & other outerwear for women & children, not knit or crocheted, include woven bathing suits (one, two, & three-piece ensembles as one unit)	3852.00	None

Commodity	Department of Commerce No.	General license group
Synthetic textiles—Continued.		
Dresses & ensembles, knit or crocheted	3853.10	None
Knit fabric in the piece	3848.00	None
Knit outerwear, n. e. s. (include sweaters & gloves of knit rayon & crocheted shawls)	3853.20	None
Knit underwear	3857.10	None
Men's socks	3856.00	None
Pile (velvets, etc.) chiefly of rayon & other synthetic fibers (include imitation furs)	3845.00	None
Rayon house furnishings (include bedspreads, quilts, finished curtains & draperies, art squares & cushions)	3845.01	None
Sleeping & lounging garments, knit or woven (include pajamas, robes, & kimonos, gowns)	3857.70	None
Synthetic textiles, women's & children's hosiery, n. e. s.	3854.90	None
Woven underwear	3857.20	None
Textile products:		
Corsets, brassiers & girdles	3921.00	None
Olecloth for shelf, table & wall	3911.00	None
Pyroxylin coated or impregnated book cloth	3914.10	None
Pyroxylin coated or impregnated fabrics	3915.00	None
Starch filled book cloth	3914.20	None
Waterproof outer garments	3918.00	None
Window shade cloth	3913.00	None
Mattresses, hair, cotton & moss	3970.98	None
Vegetables & preparations:		
Pickles	1250.00	None
Soya flour, edible	1259.11	None
Vinegar	1253.00	None
Vegetable preparations, other	1259.94	None
Sago, crude & flour	1258.78	62
Other vegetable preparations	1259.98	None
Vegetable products—misc.:		
Cornstarch & corn flour	2811.00	None
Starch, other	2813.00	None
Vegetable products, inedible, other	2999.98	None
Wood manufactures:		
Eastern red cedar pencil slats	4291.00	None
Incense cedar pencil slats	4292.00	None
Plow & similar bent handles	4285.00	None
Venetian blinds	4231.00	None
Venetian blind slats	4230.00	None
Woodenware	4298.00	None
Wood manufactures, n. e. s.	4299.00	None
Wood unmanufactured:		
Cottonwood & aspen, logs & hewn timber	4002.00	None
Crosotred or otherwise treated railroad ties, hewn	4026.00	None
Crosotred pilings	4031.00	None
Firewoods & other unmanufactured wood (include mine props & fence posts)	4039.00	None
Hardwood burls (estimate board feet at 10 lbs. to the board foot)	4006.00	None
Mahogany logs	4009.05	None
Telegraph, trolley & electric light poles	4034.00	None
Pilings, n. e. s.	4032.00	None
Railroad ties, hewn, n. e. s.	4029.00	None

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. This amendment shall become effective September 27, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

Dated: September 18, 1943.

HECTOR LAZO,
Assistant Director,
In Charge of the Office of Exports.

[F. R. Doc. 43-15325; Filed, September 20, 1943; 10:21 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

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

PART 1010—SUSPENSION ORDERS

[Suspension Order S-431]

PAULEY LUMBER CO.

Pauley Lumber Company is a corporation engaged in the distribution of lumber and building supplies with yards in Lincoln, Nebraska City and Julian, Nebraska. Home Owners Investment Company is a corporation engaged in the real estate business in Lincoln, Nebraska. L. H. Pauley is the principal stockholder and is president of each corporation. Roy C. Pauley, Carroll R. Pauley and L. A. Pauley are officers and directors of each of said corporations. The two corporations are family corporations and some of the business is conducted by L. H. Pauley as an individual or by the officers and directors as partners wherever such procedure suits their convenience.

After April 9, 1942, Home Owners Investment Company began remodeling a house located at 1509 South 23rd Street, Lincoln, Nebraska, converting it to a four apartment residential unit. The construction is now practically completed at a cost of \$1800. The limit on such construction without special authorization was \$500. Pauley Lumber Company supplied all the materials for said construction. Application for authorization for this construction was made to the War Production Board and was denied. Notwithstanding this denial, construction was continued until issuance of a stop order. Pauley Lumber Company, Home Owners Investment Company and the officers of said companies were familiar with Conservation Order L-41. The beginning of said construction and the withdrawal from inventory of building supplies constituted wilful violations of Conservation Order L-41.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.431 Suspension Order No. S-431. (a) Deliveries of material, directly or indirectly, to Pauley Lumber Company, Home Owners Investment Company, L. H. Pauley, Roy C. Pauley, Carroll R. Pauley or L. A. Pauley, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall

be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board except as specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Pauley Lumber Company, Home Owners Investment Company, L. H. Pauley, Roy C. Pauley, Carroll R. Pauley or L. A. Pauley, their successors and assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Pauley Lumber Company, Home Owners Investment Company, L. H. Pauley, Roy C. Pauley, Carroll R. Pauley or L. A. Pauley from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 20, 1943, and shall expire on January 20, 1944.

Issued this 13th day of September 1943.

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

[F. R. Doc. 43-15375; Filed, September 20, 1943; 12:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-432]

MCQUAY SUPPLY COMPANY

McQuay Supply Company, a corporation, is engaged in the sale of plumbing and heating supplies, mining supplies, evaporative coolers, electric supplies and miscellaneous items at 412 South Main Street, Las Vegas, Nevada. From July 24, 1942, through March 8, 1943, it sold and delivered to ultimate consumers approximately 84 items of new metal plumbing and heating equipment to a total value of \$3,290.90, in violation of Limitation Order L-79. These sales were made on unrated purchase orders not accompanied by any certifications specified under the order, and throughout the aforesaid period of time the responsible officers of McQuay Supply Company had knowledge of Limitation Order L-79, and its actions must be deemed to constitute wilful violations.

McQuay Supply Company on October 22, 1942, and November 2, 1942, respectively improperly applied or extended preference rating A-10 and obtained thereby a quantity of tubing and alligator lacing, in violation of Priorities Regulation No. 1. Its responsible officers were aware of Priorities Regulation No. 1, and these violations were so negligent that they must be deemed wilful.

These wilful violations of Limitation Order L-79 and Priorities Regulation No. 1 have diverted scarce materials to

uses unauthorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.432 *Suspension Order No. S-432.* (a) McQuay Supply Company, its successors or assigns, shall not directly or indirectly purchase, accept delivery of, sell, or otherwise dispose of any new "metal heating equipment" or new "metal plumbing equipment" as defined in Limitation Order L-79, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve McQuay Supply Company from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 20, 1943, and shall expire on November 20, 1943, at which time the restriction contained in this order shall be of no further effect.

Issued this 13th day of September 1943.

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

[F. R. Doc. 43-15376; Filed, September 20, 1943; 12:25 p. m.]

PART 3133—PRINTING AND PUBLISHING

[Supplement 1 to General Limitation Order L-240, as Amended]

NEWSPAPERS; STATEMENT OF FACTORS RECOMMENDED FOR CONSIDERATION IN ALLOWING APPEALS

§ 3133.6a *General limitation Order L-240, Supplement No. 1.* (a) In passing upon appeals under Order L-240, the following factors will be taken into consideration:

(1) Growth of population in the newspaper's trading area.

(2) Increase in circulation brought about prior to the issuance of Order L-240 (December 31, 1942) by bona fide reader interest, not by promotional stimulants.

(3) Voluntary paper conservation methods instituted during 1941 which reduced the newspaper's base period usage.

(4) 1942 consumption of newsprint by newspapers which were not in existence throughout the year 1941.

(5) Temporary suspension of publication during 1941 because of strikes, mechanical breakdowns or similar conditions.

(6) Discontinuance or merger of newspapers requiring adjustments in the quota of other newspapers in the trading area in order to maintain adequate newspaper service to the community.

The above list does not preclude the consideration of other unusual or extraordinary conditions which may constitute excessive and undue hardship.

(b) In every case where additional tonnage is recommended, the amount will be computed on the basis of economical usage of paper. Ex-quota paper will be denied to the extent that a publisher can meet his requirements through paper conservation measures. The feasibility of instituting certain economies will be viewed in the light of local conditions.

Issued this 20th day of September 1943.

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

[F. R. Doc. 43-15378; Filed, September 20, 1943; 12:22 p. m.]

PART 3133—PRINTING AND PUBLISHING
[Supplement 1 to General Limitation Order L-245]

BOOKS; STATEMENT OF FACTORS RECOMMENDED FOR CONSIDERATION IN ALLOWING APPEALS

§ 3133.17a *General Limitation Order L-245, Supplement No. 1.* (a) In passing upon appeals under Order L-245, the following factors will be taken into consideration:

(1) Publishing commitments entered into prior to the issuance of Order L-245 (January 8, 1943).

(2) Adjustment of quotas for publishers who were not in business throughout the year 1942.

(3) Establishment of quotas for "occasional" publishers who do not use paper every year and who used none in 1942.

(4) Voluntary paper conservation methods instituted in 1942 for then-existing "libraries" or series of books, which reduced the publisher's base period usage.

(5) Increased need for religious or instructional publications required by the Armed Forces.

The above list does not preclude the consideration of other unusual or extraordinary conditions which may constitute excessive and undue hardship.

(b) In every case where additional tonnage is recommended, the amount will be computed on the basis of economical usage of paper. Ex-quota paper will be denied to the extent that a publisher can meet his requirements through paper conservation methods.

Issued this 20th day of September 1943.

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

[F. R. Doc. 43-15379; Filed, September 20, 1943; 12:23 p. m.]

PART 3133—PRINTING AND PUBLISHING
[Supplement 1 to General Limitation Order L-244, as Amended]

MAGAZINES; STATEMENT OF FACTORS RECOMMENDED FOR CONSIDERATION IN ALLOWING APPEALS

§ 3133.15a *General Limitation Order L-244, Supplement No. 1.* (a) In passing upon appeals under Order L-244, the

following factors will be taken into consideration:

- (1) Voluntary paper conservation accomplished during 1942 which reduced the publisher's base period usage.
- (2) Unusual seasonal variations in publishing schedules, requiring redistribution of quarterly quotas.
- (3) Adjustment of quotas for magazines which were not in existence throughout the year 1942.
- (4) Issuance of new magazines in the first quarter of 1943 under the provision in Order L-244 (eliminated as of April 1, 1943) which exempted users of 25 tons of paper or less per quarter.
- (5) Temporary suspension of publication during 1942 because of strikes, mechanical breakdowns or similar conditions.
- (6) Increased need for religious or instructional publications required by the Armed Forces.

The above list does not preclude the consideration of other unusual or extraordinary conditions which may constitute excessive and undue hardship.

(b) In every case where additional tonnage is recommended, the amount will be computed on the basis of economical usage of paper—not only in the magazine for which the appeal was filed but in all other periodicals issued by the same publisher. Ex-quota paper will be denied to the extent that a publisher can meet his requirements through paper conservation methods in any of his magazines.

Issued this 20th day of September 1943.

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

[F. R. Doc. 43-15377; Filed, September 20, 1943; 12:24 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER¹

[General Conservation Order M-310 as Amended Sept. 20, 1943]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290. 196¹ *General Conservation Order M-310—(a) General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 100 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or

removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof; *Provided*, That orders for U. S. Army or Marine Corps Post Exchanges or for U. S. Navy Ship's Service Departments shall not be deemed military orders within the terms of this definition, except orders by the U. S. Navy Ship's Service Department for cut sole leather for repair purposes which are endorsed by the Bureau of Naval Personnel as provided in Priorities Regulation No. 17.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) All trade terms shall have their usual trade significance unless otherwise specified.

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or designated civilian requirements.

(3) No person shall sell or deliver any hides, skins or leather which he knows or has reason to believe will be used in violation of this order.

(4) Notwithstanding the provisions of any priorities or other regulations of the War Production Board, no preference rating shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders; or

(ii) When specifically authorized in writing by the War Production Board pursuant to this subparagraph (b) (4) (ii).

(5) In making sales or deliveries of hides, skins or leather, including sole leather cut stock, no person shall make discriminatory cuts in quality or quantity between customers who meet such

person's established prices, terms and credit requirements, or between customers and his own consumption of said materials.

(c) *Untanned cattleshides, calfskins and kips—(1) Definition.* "Cattlehide" means the hide or skin of a bull, steer, cow, or buffalo, foreign or domestic (not including calfskin or kip).

(2) No person shall put into process any cattlehide, calfskin, or kip in excess of such amounts for specified periods, as may be fixed by the War-Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, other than splits, except to the extent that the purchaser is specifically authorized in writing by the War Production Board pursuant to application by the purchaser on Form WPB-1325 (formerly PD-569) for cattleshides and on Form WPB-1322 (formerly PD-569A) for calfskins and kips; *Provided*, That the following may be effected without such authorization:

(i) Transactions between collectors and between producers and collectors for purposes of resale;

(ii) Transactions with any United States Government agency in hides or skins imported under General Imports Order M-63;

(iii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner² of less than 100 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to grant authorizations so that:

(i) The contractor or tanner may obtain cattleshides, calfskins, or kips in the proportions that the wettings in 1942 of the contractor or tanner, respectively, of cattleshides, calfskins, or kips, computed separately, bore to all wettings thereof in that year by all contractors and tanners; and

(ii) The contractor shall contract with the same tanners as in 1942 and shall divide his contracts between them in the same proportions as in 1942.

(5) No producer or collector shall cut off bellies or shoulders of untanned cattleshides, except for a purchaser specifically authorized in writing by the War Production Board to purchase hides with portions cut off.

(6) No person shall sell or dispose of any heads, bellies, shoulders, or other portions of untanned cattle hides (other than splits), whether green, green-salted, dry, dry-salted, limed or pickled, except to the extent that the purchaser is authorized in writing by the War Production Board.

(d) *Cattleshides, calfskins and kips, and leather therefrom—(1) Definition.* "Cattlehide, calfskin, or kip leather" means leather produced from such hides

¹ Formerly Part 3235, § 3235.1.

² Tanner is defined in paragraph (a) (1).

or skins, whether grain or split, including rawhide.

(2) No tanner shall produce any bag, case, or strap leather from cattlehides of qualities meeting Federal Specifications KK-L-151a, KK-L-166 or KK-L-271a, unless the hides are split in a manner to yield:

(i) Grains of the weights required to meet his unfilled military orders; or

(ii) Grains of the maximum weights obtainable: *Provided*, That this restriction shall not require the production of grains in excess of 8 oz.

(3) No tanner shall produce any harness leather in any color other than russet, except to fill military orders.

(4) Unless otherwise specifically ordered in writing by the War Production Board, no person shall curry or finish the following leathers and no manufacturer shall use the same, either before or after such currying or finishing, except in accordance with the following requirements:

(i) Rough sole leather shall be finished as sole leather (which thereupon becomes subject to paragraph (e) hereof) except that rough sole leather 12 iron and up may be curried and used for round belting;

(ii) Rough belting butts or butt bends shall be curried and thereafter used only for transmission belts, hydraulic, packing, mechanical and textile leathers, or fillet leather: *Provided*, That this restriction shall not apply to straightenings cut from the portion of the belting butt or butt bend beginning at the edge from which the belly was removed, if the straightening is less than two inches in width at the widest point;

(iii) Rough shoulders cut from sole leather hides if not finished for sole leather, and rough shoulders cut from any belting butts, shall be curried and used only for welting, hydraulic, packing, mechanical and textile leathers, except that double rough shoulders 11 iron and up may be curried and used for round belting.

(5) Vegetable tanned sole leather shall be processed so as to meet the requirements of Federal Specification KK-L-261B, including any emergency alternate specifications or amendments thereto.

(6) Bellies cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(7) Shoulders cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in a line running perpendicular to line of backbone at a point within the limits of the break in the foreflank.

(8) No tanner shall fill or contract to fill any order, whether or not bearing a preference rating, for any harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap or upholstery leather, or transfer any such leather to

his owned or controlled fabricating establishment, or use or cause such leather to be used, in excess of the monthly or other quota and delivery schedule fixed for such tanner from time to time by the War Production Board pursuant to his application on Form WPB-2177 (formerly Form PD-772).

(9) Except upon specific authorization of the War Production Board in writing, no tanner shall process any cattlehides to make grain garment leather: *Provided*, That this restriction shall not apply to the extent required to meet unfilled military orders on hand June 23, 1943.

(10) No person shall commercially incorporate any cattlehide, calfskin, or kip leather or rawhide in any product not permitted by Schedule A hereof, except as provided in paragraph (d) (7).

(11) The restrictions of paragraph (d) (6) shall not apply to products manufactured:

(i) To fill military orders;

(ii) From cattlehide, calfskin, or kip leather delivered to the manufacturer prior to April 1, 1943; *Provided*, That the products are completely fabricated before December 31, 1943; *Provided, however*, That nothing in this paragraph shall constitute an exemption from the provisions of General Limitation Order L-284 (Luggage), or any other applicable order of the War Production Board.

(iii) From the following types of leather, if not suitable either for military orders or for a product permitted by Schedule A:

(a) Vegetable tanned cattlehide flesh splits under 3½ ounces;

(b) Cattlehides, calfskin or kip leather scrap.

(iv) From other cattlehide, calfskin, or kip leather not suitable for any product permitted by Schedule A, if specifically authorized in writing by the War Production Board. Any person may apply for such authorization by letter once a month, stating the respects in which such leather is unsuitable for such products, the customers or trade to whom he intends to sell, the proposed uses of such leather, and the quantity, quality, weight and type of the leather involved.

NOTE: Former paragraphs (1), (2), (3), (4), (5), (6), (7) redesignated (2), (3), (4), (8), (9), (10), (11) respectively Sept. 20, 1943.

(e) Sole leather and sole leather cut stock—(1) *Definitions*. (i) "Military quality outersole" means a bend sole of good fiber of a grade not lower than No. 1 scratch grade, and of a substance 8½ iron to 11 iron, inclusive.

(ii) "Military quality innersole" means a sole of 5½ to 7 iron, inclusive, first quality full grain leather, of a quality and fiber adapted to the purpose.

(iii) "Military quality strip" means a strip 8½ iron to 13 iron, inclusive, and "military quality tap" means a tap of 9 iron to 14 iron, inclusive, both cut from sole leather bends, commercially described as finders' leather, and a good fiber of a grade not lower than No. 1 scratch.

(iv) "Butt piece" means a piece cut from the butt portion of a sole leather bend by a straight cut perpendicular to line of backbone not more than three inches from root of tail.

(v) "Bend piece" means the portion of a finders' bend remaining after a butt piece has been removed and after a belly slab has been removed from the belly edge of the bend by cutting in a line running from shoulder to butt, approximately parallel to the backbone, and not less than thirteen inches therefrom at any point.

(vi) "Cutter for the repair trade" means a sole leather cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942, cut repair taps as a regular part of his business.

(2) Every tanner and contractor shall set aside each month for cutting as required by paragraph (e) (4) 20% of the quantity of manufacturers' bends produced by him for his own account, or produced for his account by others, or such other percentage as may be fixed by the War Production Board in writing from time to time. The weight and quality of said portion set aside, hereinafter referred to as "manufacturers' bends-for-repair", shall be proportionately equal, as nearly as possible, to those of the manufacturer's bends not so set aside. No manufacturer's bends-for-repair shall be sold to any finder or shoe-repairer as a whole bend.

(3) No person shall cut military quality outsoles or innersoles, except on patterns to fit the United States Munson last in sizes and widths to fit the sizes of shoes specified in military orders, or on other patterns approved or in sizes prescribed by the War Production Board from time to time.

(4) Except as otherwise specifically authorized in writing by the War Production Board, sole leather whole stock shall be cut and the resulting cut stock disposed of only in accordance with the provisions of Schedule B hereof, and no military quality cut stock produced in accordance with such schedule shall be sold, delivered or used except to fill military orders.

(5) No person except a shoe-repairer repairing shoes for the general public or any person repairing his own shoes shall hereafter use any non-military quality repair stock (except as provided in Block IIB of Schedule B hereof) cut from finders' bends, from manufacturers' bends-for-repair or from parts of such bends.

(f) *Horsehides*—(1) *Definitions*. (i) "Horsehide" means the hide or skin of a horse, colt, mule, ass or pony, except dry pony hides to be processed for furs.

(ii) "Horsehide front", "horsehide butt" and "horsehide shank" mean those horsehide parts commercially so known whether or not attached to other parts of the horsehide.

(2) No tanner shall put into process, and no converter shall cause to be put into process in any calendar month a greater percentage of his monthly average of similar material put into process in the year ending June 30, 1942, than:

100% as to wet salted horsehide fronts;
80% as to wet salted and dry horsehide butts;

80% as to wet salted and dry horsehide shanks; or

Such other percentages thereof as may be established by the War Production Board from time to time.

(3) No tanner shall put into process, or continue to process, any horsehide front, except into leather meeting military specifications in force at the time, unless such horsehide is not capable of being so processed.

(4) No person shall sell, deliver, accept delivery of, or commercially incorporate into any product any horsehide front leather meeting any military specification except for unfilled military orders, or commercially incorporate horsehide shank or any horsehide front leather not meeting any military specifications into any product, except as permitted in Schedule A hereof; *Provided*, That this restriction shall not apply to persons using less than fifty horsehide shanks or horsehide fronts per month.

(g) [Deleted September 20, 1943]

(h) *Goatskins and cabrettas*—(1) *Definitions*. (i) "Goatskin" means the skin of a goat or leather made from such skin, including kidskin, but excluding India tanned goatskin, and domestic angora goatskin.

(ii) "Cabretta" means the skin of a hair sheep or leather made from such skin.

(iii) "India tanned goatskin" means an imported goatskin tanned in Asia.

(2) No tanner shall put into process in the respective three months' period, commencing May 1, 1943, and on the first days of each August, November, February and May thereafter, more than 220% of his average monthly wettings of raw goatskins and cabrettas in 1941, (which average shall be known as "basic monthly wettings"), or more than such other percentages for such periods as may be fixed in writing by the War Production Board from time to time, with respect to any or all skins referred to in subparagraph (1) (i) and (ii) above.

(3) No person shall put into process any raw goatskins, except to produce leather for incorporation into a goatskin product permitted to be manufactured by Schedule A hereof, or to meet military specifications.

(4) The restrictions of paragraphs (h) (2) and (h) (3) shall not apply to persons who put into process less than 200 domestic goatskins in any calendar month and who process no foreign goatskins.

(5) No tanner shall sell or deliver goatskin garment leather for other than military purposes, except leather failing to meet military specifications: *Provided*, That such failure has resulted unavoidably in the course of producing military leather; *Provided further*, That such leather permitted hereby to be sold or delivered for other than military purposes may not exceed 12½% of his pro-

duction of military goatskin garment leather subsequent to the date of this order.

(6) No person shall commercially incorporate any goatskin leather in any product, except:

(i) To fill military orders; or
(ii) As permitted by Schedule A hereof; or

(iii) To utilize scrap not capable of being used to produce any of the goatskin products permitted by Schedule A hereof. Any tanner selling such scrap pieces for such purpose shall state such sales in his report to the War Production Board on Form WPB-1437 (formerly Form PD-373).

(i) *Deerskins*—(1) *Definition*. "Deerskin" means the skin of any domestic, Canadian or New Zealand deer, except elk, moose, caribou skins, and Alaska deerskins.

(2) No person shall process any deerskin or deerskin leather, except:

(i) To produce suitable leather meeting United States Quartermaster Corps Tentative Specifications CQD-105, as amended from time to time, in all respects except as to country of origin; or
(ii) To fill a specific military order.

(3) No person shall sell or deliver any deerskin leather, or incorporate or manufacture any deerskin leather into any product, except to fill a specific military order.

(4) *Exceptions*. The restrictions of the preceding paragraphs (2) and (3) shall not apply to:

(i) Any deerskin or deerskin leather which does not meet and cannot be made to meet the specification referred to in subparagraph (2) (i) above: *Provided*, That deviations from the specification as to color or country of origin shall not be considered cause for this exception within the meaning of this provision;

(ii) Deerskin leather rejected in writing by the United States Army Quartermaster Depot, Chicago, Illinois;

(iii) Deerskin leather colored black or dark brown before March 20, 1943;

(iv) Any person who at no time puts into process, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March 1943, or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(v) A skin taken off a deer after September 20, 1943 and owned by the person causing it to be processed or incorporated into a product for his personal use or for a gift.

(j) *Effect on prior orders*. Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly revoked:

General Preference Order M-80
General Conservation Order M-94

Conservation Order M-114
General Conservation Order M-141
Conservation Order M-273
General Preference Order M-301

(k) *Reports*. Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned below:

Producers or collectors of more than 500 cattlehides per month.....	WPB-1321
	formerly PD-569C
Producers or collectors of more than 200 calfskins per month.....	WPB-1324
	formerly PD-569D
Tanners of cattlehides.....	WPB-1325
	formerly PD-569
Tanners of calfskins and kips.....	WPB-1322
	formerly PD-569A
	and WPB-2256
	formerly PD-778
Tanners of cattlehide side upper leather.....	WPB-2211
	formerly PD-770
Tanners of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap, and upholstery leather.....	WPB-2177
	formerly PD-772
Tanners of sole leather.....	WPB-1304
	formerly PD-598B
Tanners and converters of horsehides.....	WPB-1001
	formerly PD-475
Tanners of shearlings.....	WPB-894
	formerly PD-421
Tanners and converters of goatskins, kidskins, cabretta, or India tanned goatskins.....	WPB-1437
	formerly PD-373
Sole cutters.....	WPB-1303
	formerly PD-598A
Non-sole cutting shoe manufacturers.....	WPB-2209
	formerly PD-598C
Finishers and converters of cattlehide splits.....	WPB-2351
Tanners and converters of glove and garment cattlehide grain leather.....	WPB-1795

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

(m) *Communications to the War Production Board*. All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref. M-310.

(n) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully 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 of

SCHEDULE B

NOTE: Block IIIA amended Sept. 20, 1943.

Type of sole leather whole stock

Finders' bends	Manufacturers' bends-for-repair	Manufacturers' bends	Shoulders, bellies and shanks
Cutter for the repair trade only, except that any sole leather cutter may cut to obtain outsoles, midsoles and toplifts only in accordance with Block IIB below.	Cutter for the repair trade only.	Any sole leather cutter.	Any sole leather cutter.
Bend pieces (which may not be further cut except in accordance with Block IIB).	Outsoles.	Outsoles and innersoles.	Innersoles.
Strips and taps cut from bends or from band pieces, to meet any unfilled military order. Toplifts cut from bends, head pieces, or other band portions, to meet any unfilled military order. Outsoles and midsoles cut from band pieces to meet military orders under Lend-Lease Act only.	May not be cut except under Block IIA.	Midsoles, counters and toplifts, to meet any unfilled military order.	Counters and midsoles to meet any unfilled military order.

Block I. Persons permitted to cut each type subject to the provisions of Blocks II and III below.

Method of cutting

Block IIA. Except for deviation permitted in Block IIB below, each type shall be cut to yield maximum quantity of military quality cut stock shown in this block.

Block IIB. Each type may be cut to produce the military quality cut stock shown in this block but only—
 1. So as to yield the maximum quantity of such military quality cut stock, and
 2. To the extent required to meet unfilled military orders of the kinds indicated.

Cutting and disposition of remainder of each type (including belly slabs resulting from cutting of bend pieces from finders' bends) after military quality cut stock has been obtained as provided in Block II.

Block IIIA. Except as permitted in Block IIB below, remainder of each type shall be cut and disposed of only as shown in this block.

Block IIIB. Exceptions shall be only as shown in this block.

To produce repair stock, other than outsoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.

To produce cut stock for sale to and use by shoe manufacturers only.

To produce repair stock, other than outsoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.

To produce repair stock, other than outsoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.

To produce repair stock, other than outsoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.

To produce repair stock, other than outsoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.

the Budget pursuant to the Federal Reports Act of 1942.

Issued this 20th day of September 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of

SCHEDULE A

NOTE: "Footwear," "Luggage handles" amended; "Functional parts" added Sept. 20, 1943.

Cattlehide, calf skin and kip leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	Horsehide shank or nonmilitary quality horsehide front leather may be incorporated in any product marked "Permitted" in this column	Goatskin leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column
Footwear	Permitted	Permitted
Transmission belts	Permitted	Permitted
Hydraulic, packing and mechanical leather products	Permitted	Permitted
Leather products for textile equipment	Permitted	Permitted
Harness, horse collars, and saddlery for police, farm and industrial use	Permitted	Permitted
Trusses	Permitted	Permitted
Surgical supports	Permitted	Permitted
Artificial limbs	Permitted	Permitted
Orthopedic products including arch supports	Permitted	Permitted
Cattle and drivers' whips and quirts	Permitted	Permitted
Laces and thongs	Permitted	Permitted
Cap visors	Permitted	Permitted
Divers' equipment	Permitted	Permitted
Motorcycle saddles	Permitted	Permitted
Sheaths for industrial knives	Permitted	Permitted
Work chaps	Permitted	Permitted
Work gloves	Permitted	Permitted
Work aprons	Permitted	Permitted
Garments for heavy duty workers, made from grain leather resulting unavoidably from tanning or cutting for specific military orders, but which was rejected as not meeting military specifications	Permitted	Permitted
Heavy duty work belts	Permitted	Permitted
Industrial safety clothing and equipment only to the extent essential for safety and protection in the performance of the workers' duties	Permitted	Permitted
Furniture leather essential for repair and maintenance of transportation equipment, office and commercial furniture	Permitted	Permitted
Athletic goods except golf bags	Permitted	Permitted
Leather puttees for peace officers, transportation and industrial workers	Permitted	Permitted
Rifle scabbards, rifle slings, pistol holsters, pistol belts for peace officers, guards, cowboys	Permitted	Permitted
Luggage handles and attaching pieces, welts, bindings, corners, and closures made only from the types of leather permitted by paragraph (b) (1) (iv) of Schedule I of General Limitation Order L-284	Permitted	Permitted
Rawhide hammers and hammer faces	Permitted	Permitted
Functional parts of musical instruments (excluding straps, cases or containers)	Permitted	Permitted

[F. R. Doc. 43-15371; Filed, September 20, 1943; 12:25 p. m.]

PART 3290—TEXTILE, CLOTHING AND
LEATHER[General Preference Order M-91, as Amended
Sept. 20, 1943]

COTTON DUCK

§ 3290.56 *General Preference Order M-91.* (a) "Cotton Duck" means a cotton fabric in any weight, 15 to 87 inches wide, in the greige, dyed or proofed state, made of single or plied warp and filling yarns, of one of the following types:

- (1) Shelter tent duck.
- (2) Numbered (wide or sail) duck.
- (3) Narrow or naught duck.
- (4) Hose or belting duck.
- (5) Harvester duck.
- (6) Plied yarn filter duck and twills.
- (7) Chafer duck (chafer fabric).

RESTRICTIONS

(b) No producer shall sell or deliver cotton duck, unless:

(1) Pursuant to contracts or purchase orders rated AA-5 or higher; or

(2) It is the product of looms designated in writing by the War Production Board to produce cotton duck for manufacture into items listed on Schedule A, and the buyer states in writing that it will be used for that purpose; or

(3) Authorization has been given by the War Production Board pursuant to application on form WPB-678 (formerly PD-329); or

(4) It has been rejected in writing by both the Army and the Navy of the United States; or

(5) It is in lengths not exceeding ten yards produced in the ordinary course of manufacture; or

(6) It has been manufactured in a rug or carpet mill or on looms which were producing draperies or upholstery fabrics before February 28, 1942.

(c) A producer who is offered a rated order for cotton duck which would defer deliveries under a rated order for cotton duck already accepted, shall immediately notify the War Production Board to give it an opportunity to direct the placing of the order elsewhere.

NOTE: Paragraph (c) amended Sept. 20, 1943.

(d) No industrial consumer shall:

(1) Accept delivery in a calendar month of cotton duck designated for Schedule A items, in excess of $\frac{1}{2}$ of the yards or pounds (whichever is the standard unit of purchase) which such person put into process in 1941 for the manufacture of such items.

(2) Accept delivery of Schedule A items, unless required by him within 60 days after receipt for actual use or resale in the 48 states (or within 90 days after receipt for actual use or resale outside the 48 states) or to enable him to have minimum spare materials in stock as a reserve for emergency breakdown.

EQUITABLE DISTRIBUTION

(e) It is the policy of the War Production Board that cotton duck and cotton duck products not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs,

and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of cotton duck and cotton duck products, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

GENERAL PROVISIONS

(f) All communications concerning this order shall, unless otherwise directed in writing, be addressed to War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref. M-91.

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

(h) 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 or from processing or using materials under priorities assistance by the War Production Board.

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

(j) Allocations of cotton duck, as defined in the June 19, 1943 issue of this order, made pursuant to application on form WPB-678 (formerly PD-329), and directions relating to the operation of looms for the production of cotton duck shall continue in full force and effect.

Issued this 20th day of September 1943.

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

SCHEDULE A

PART I—HOSE MANUFACTURED FROM HOSE DUCK
AND CHAFER FABRICS

- A. Air drill (2" size and over, only).
Butane and propane.
Cement gun (1½" size and over, only).
Chemical (including foamite) (1½" size and over only).
Flexible pipe (3" size and over, only).
Grouting, hydraulic, jetting.
Lubrication, high pressure (1" and over, only).
Pneumatic (2" size and over, only).

- A. Air drill (2" size and over, only)—Con.
Railroad (car and engine equipment):
Air brake.
Air signal.
Railroad (shop and maintenance):
Air or pneumatic (2" size and over, only).
Steam (for uses involving pressure of 50 lbs. or more).
Rotary drilling.
Sand blast (1¼" size and over, only).
Steam hose (for uses involving pressures of 50 lbs. or more).
Suction (and/or discharge)—3" sizes and over, only.
Oil, and other petroleum products and molasses.
Sand.
Water.
Water (3" size and over, only).
- B. Acid.
Air drill (sizes under 2").
Beverage.
Cement gun (sizes under 1½").
Chemical (sizes under 1½").
Creamery.
Divers air.
Dredging sleeves.
Dust.
Flexible pipe (sizes under 3").
Lubrication, high pressure (sizes under 1").
Pneumatic (sizes under 2").
Radiator.
Railroad (car and engine equipment):
Tender tank.
Railroad (shop and maintenance):
Air (sizes under 2") steam (for working pressures less than 50 lbs.).
Water, welding, and other essential types.
Sand blast (sizes under 1¼").
Spray (industrial and agricultural).
Steam (for working pressures less than 50 lbs.).
Suction (and/or discharge) (sizes under 3"):
Oil, and other petroleum products and molasses.
Sand.
Water.
Tank wagon, oil and other petroleum products.
Vacuum (industrial).
Ventilating.
Water (sizes under 3").
Welding.

PART II—BELTING, PACKING AND MISCELLANEOUS
FABRIC PRODUCTS MANUFACTURED WITH OR
WITHOUT RUBBER OR BALATA FROM BELTING OR
OTHER COTTON DUCKS

- A. Belting:
Conveyor (all types).
Elevator.
Hog-beater.
Power transmission, flat.
Power transmission, vee type, industrial and agricultural machinery.
- B. Packings:
Sheet, strip, rod, coil and other mechanical packings.
- C. Miscellaneous Products:
Band saw bands.
Card clothing.
Chute and tumbling barrel liners.
Cleats and bucket pads.
Draper and feed aprons.
Drop hammer pads.
Escalator hand rails.
Granite slings.
Laundry machine tapes.
Linoleum forming belts.
Linemen's straps.
Loom and harness strapping.
Polishing belts.
Printers and lithographers supplies.
Pulley lagging.
Round belts and belting.

C. Miscellaneous Products—Continued.

Rut aprons and condenser tapes.
Screen diaphragms.
Street sweepers belts.
Tank and dam seals.

PART III—"COTTON DUCK" PRODUCTS PRODUCED FROM NUMBERED OR FILTER DUCK AND FILTER TWILLS

Chemical filters.
Cane and beet sugar industrial filters.
Oil and wax filters.
Paint filters.
Dyestuff filters.
Filters used in the processing of food products.
Mining, quarrying and smelting filters.
Filters used in the processing of ceramics.
Cement filters.

NOTE: Part IV added Sept. 20, 1943.

PART IV—CHAFFER FABRICS

Chaffer fabrics for use in pneumatic rubber tires.

[F. R. Doc. 43-15372; Filed, September 20, 1943; 12:25 p. m.]

PART 3291—CONSUMER DURABLE GOODS¹

[Supplementary Limitation Order L-7-c, as Amended Sept. 20, 1943]

DOMESTIC ICE REFRIGERATORS

§ 3291.16¹ *Supplementary Limitation Order L-7-c—(a) Definitions.* For the purpose of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

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

(3) "Iron and steel content" means the aggregate weight of iron and carbon steel contained in a finished domestic ice refrigerator, including but not limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice which the ice chamber of a domestic ice refrigerator will hold.

(5) "Hardboard" means a homogeneous board having a specific gravity in excess of 1.0 which is composed of wood fibre with or without artificial binders.

(b) *General restrictions.* (1) No person shall produce any domestic ice refrigerator:

(i) Containing any crude, reclaimed or synthetic rubber except as permitted in Rubber Order R-1 as amended, or any relief granted pursuant to appeal taken in accordance with the provisions of such Order;

(ii) Containing any metal other than iron and carbon steel (except metal used in galvanizing, plating, soldering, or coating steel);

(iii) Having a net ice capacity of other than 50 or 75 pounds, except that it may

¹ Formerly Part 993, § 993.4.

vary ten per cent from either of these amounts;

(iv) Having iron and carbon steel content of more than 6 pounds; or

(v) Containing more hardboard than 65 square feet.

(2) (i) No person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by the War Production Board pursuant to this order. Such production quotas shall be assigned for periods of time to be specified in the schedule, and shall expire on the last day of the period for which they are assigned. Any person desiring to obtain a production quota shall file with the War Production Board at least 30 days before the expiration date of the schedule in effect at that time a written application to be assigned a production quota for such period as the War Production Board shall specify.

(ii) Such application should contain a statement as to the amount of iron and carbon steel, hardboard and other critical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such period. Whenever production quotas are assigned by the War Production Board, it will take into consideration the amount of iron and carbon steel, hardboard and other critical materials to be used by each applicant, the extent to which the domestic ice refrigerators which each applicant proposes to produce conforms to the performance specifications contained in Appendix A attached to this Order, as established by tests of the National Bureau of Standards, the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the War Production Board shall deem appropriate.

(iii) In addition to the number of domestic ice refrigerators which specified persons may produce in accordance with an applicable schedule, each person named in such a schedule may produce during the period the schedule remains in effect an additional number of domestic ice refrigerators pursuant to orders bearing preference ratings of AA-5 or higher, provided that such domestic ice refrigerators are delivered prior to the expiration date of such schedule.

(c) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

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

(e) *Avoidance of excessive inventories.* No person authorized to pro-

duce domestic ice refrigerators shall accumulate for use in the production of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each person who produces any domestic ice refrigerators shall file with the War Production Board, not later than 10 days after the end of each calendar month in which he produced any domestic ice refrigerator, a report on Form WPB-1600 (formerly Form PD-655), showing all domestic ice refrigerators which he produced during such month. Each person, before he offers for sale any new model of domestic ice refrigerator, shall file with the War Production Board a report on Form WPB-1117 (formerly Form PD-531), setting forth a bill of material for such model. Each person affected by this order, or any schedule issued pursuant thereto, shall file such other reports and answers to questionnaires as the War Production Board shall from time to time require.

(i) *Violations.* Any person who willfully violates any provision of this order, or of any schedule issued pursuant thereto, or who, in connection with this order, or any such schedule, 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.

(j) *Appeal.* Any appeal from the restrictions contained in paragraph (b) (1) of this Order should be made on Form WPB-1477 (formerly PD-500) and filed with the Consumers Durable Goods Division, War Production Board, Washington 25, D. C.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref.: L-7-c.

Issued this 20th day of September 1943.

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

APPENDIX A

PERFORMANCE SPECIFICATIONS FOR DOMESTIC ICE REFRIGERATORS

I. Temperature & Ice Meltage Performance

1. The refrigerator shall maintain with no load in the food compartment an average food compartment temperature of 48° F. or less and a temperature of 46.5° F. or less in the milk storage space at 60% of initial ice load with the room at an average temperature of 85° F. plus or minus 1° F.

2. The temperature at a point two inches above the bottom of the food compartment and two inches from the sidewall, located in the vertical plane perpendicularly bisecting a return air duct shall not be higher than the temperature of the air entering the return air duct. (The return air duct is defined as the duct or ducts through which the air in the refrigerator returns from the food compartment to the ice compartment.)

3. Ice meltage at 60% initial ice load for food compartment volumes between 2.75 and 5.5 cubic feet shall not exceed the value, in lbs/day, computed from the following formula:

$$M \text{ equals } 7.28 \text{ plus } 3.3V$$

where M is the ice meltage in lbs/day and V is the volume of the food compartment in cubic feet. Note: This formula applies only under the following conditions: Room temperature 85° F.; Average food compartment temperature 48° F.; and Food Compartment volumes ranging between 2.75 cubic feet and 5.5 cubic feet.

II. Construction Performance

4. Box deformation: The box shall show no permanent vertical deformation in excess of 3/16" per 3 feet of vertical elevation when subjected to a horizontal load of 350 pounds applied along one diagonal of the top from front to back with the box fastened to the floor at all four legs.

5. Door damage: The door and hinges shall show no permanent damage when the door is subjected to a vertical load of 100 pounds applied to the upper outside corner 2 inches from the outside vertical edge of the door with the door open and at an angle of 90° with the front of the box.

6. Ice shelf: The ice shelf shall be able to support a load of 200% of the normal ice load without fracturing the shelf or supports or causing permanent sagging of more than 1/16" at the center, sides and back.

7. Food shelves: Full width food shelves shall have sufficient strength to support an evenly distributed load of 50 pounds without fracturing or permanently sagging more than 1/16" at the center. Fractional width shelves around the milk storage space shall have sufficient strength to support an evenly distributed load of 25 pounds without fracturing or permanently sagging more than 1/16" at the center.

8. The back of the ice compartment shall withstand without damage an impact of 40 ft. lbs.

9. The refrigerator door shall withstand without damage to the door, hinges and latch a closing of 100 consecutive times from a fully opened position (opened through an angle of 180°) by an impact of 40 ft. lbs. applied at the center of door.

[F. R. Doc. 43-15373; Filed, September 20, 1943; 12:23 p. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT¹

[Limitation Order L-114 as Amended Sept. 20, 1943]

SAFETY EQUIPMENT

The fulfillment of requirements for the defense of the United States has created

¹ Formerly Part 1213, § 1213.1.

shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of safety equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3296.36¹ General Limitation Order L-114—(a) Definitions. For the purposes of this order:

(1) "Safety equipment" means equipment and devices designed primarily to promote safety or to prevent or reduce accidents, injuries, occupational hazards or diseases, including but not by way of limitation, the following articles: guards, goggles, shields, safety cans, oily waste cans, harnesses, headgear, belts, shoes, safety clothing, masks, respirators, inhalators, resuscitating apparatus, hazard measuring devices, protective creams, treads, and warning signs. The term shall not include any automotive or traffic equipment or devices.

(2) "Hazard measuring devices" means devices or instruments designed to detect, indicate, measure or record the presence of poisonous or combustible gases or other harmful substances in the atmosphere for the purpose of promoting safety or preventing or reducing occupational accidents, diseases and hazards of all types. The term shall not include "industrial instruments" as defined in Limitation Order L-134, nor "laboratory equipment" as defined in Limitation Order L-144.

(3) "Safety clothing" means apparel containing special features or constructions designed primarily to protect the wearer from occupational injuries. The term does not include clothing designed primarily for protection against weather or for general work purposes.

(b) Restrictions on use of scarce materials. Except as provided in paragraph (c) below, or upon specific authorization of the War Production Board, no person shall incorporate in the manufacture, of safety equipment, or in any component part thereof, or sell, deliver, rent, purchase, accept delivery of or obtain any safety equipment or parts thereof, in which there is incorporated or used, any of the following materials: aluminum, asbestos cloth, chromium, copper, copper base alloys, nickel, corrosion resisting steel, alloy steel tin, synthetic plastics, rubber, synthetic rubber or elastic fabric, as defined in Conservation Order M-174.

(c) General exceptions. Paragraph (b) shall not apply to safety equipment assembled or manufactured:

(1) Prior to May 5, 1942, or from parts which were finished and ready for assembly on said date, provided such safety equipment is delivered to fill purchase orders bearing preference ratings of A-10 or higher, or

(2) From materials to the extent permitted in Appendix A hereof, or

(3) For delivery to or for the account of, the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Sur-

vey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the government of any country entitled to deliveries under the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided, and to the extent that the materials designated in paragraph (b) are necessary for efficient functioning and required endurance of safety equipment intended for use:

(i) In or on completed vehicles, aircraft, or ships, or

(ii) Outside of continental United States, or in Alaska, or

(iii) In the protection of military or naval personnel while not engaged in production, maintenance, or repair.

(4) Any order or contract from any agency or government mentioned in paragraph (c) (3) requiring the incorporation or use of scarce materials designated in paragraph (b) shall constitute a representation that the conditions exist under which such scarce materials may be incorporated or used within the terms of this order. Said representation may be relied on by the person with whom the purchase order or contract is placed, his sub-contractors, and suppliers.

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

(e) Records. All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) Audit and inspection. All records required to be kept by this order shall, upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

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

(j) Communications. All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-114.

(k) Effect of other orders. With respect to the use of the materials named

herein for incorporation in the products named herein, or in component parts thereof, this order shall be subject to all other orders to conserve specific raw materials (M orders), and all orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

Issued this 20th day of September 1943.

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

APPENDIX A

Pursuant to the provisions of paragraph (b) of the above order, the following materials may be used to the extent indicated:

(1) Asbestos cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects, or for fire-fighting.

(2) Copper or copper base alloys, other than nickel silver, when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person where the use of non-sparking or non-corrosive material is essential for specific safety purposes and eyelets having a diameter of $\frac{1}{16}$ inch or less for safety equipment where steel eyelets in available sizes cannot be used.

(b) Frames, side screen binders and temples for spectacle type goggles and frames for slip-overs for industrial spectacles.

(c) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(d) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(e) Conductors of electricity for safety devices and appliances.

(f) Lens retaining rings and fittings on gas mask facepieces.

(g) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(h) Tubing and fittings in hazard measuring devices.

(i) Screen for mask type goggles or hoods.

(j) Bridge clips for molded goggles.

(k) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.

(l) Internal valve mechanisms of safety filling cans with flexible pouring spouts, provided that the net weight of copper base alloy shall not exceed two ounces per can and that such alloy shall not be used in screens (or parts thereof) designed for non-flash-back or strainer purposes.

(m) Wire mesh for side screens for goggles.

(3) Nickel in:

(a) Nickel silver for pad inserts for nose pads on spectacle type goggles, but not to exceed 10% in such alloy.

(b) Nickel silver for the following, but not to exceed 10% nickel in such alloy:

(i) Valve inserts for respirators.
(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks, breathing apparatus, or hazard measuring devices.

(c) Leaded nickel silver for goggle frame screws and rivets but not to exceed 18% nickel in such alloy.

(d) Nickel plating for:

(1) Spectacle type goggles and slip-overs for industrial spectacles.

(ii) Safety and admission valves, saliva tubes and mouthpieces for oxygen breathing apparatus; facepiece check valve bodies for inhalators; and check valves for hose masks; to the extent necessary for the efficient functioning of the named parts.

(e) Nickel silver (containing not more than 10% nickel in the alloy) for end pieces and guard arms on spectacle type goggles, and for spring clips, lugs, fasteners and clamps on slip-overs for industrial spectacles.

(4) Alloy steel in:

(a) Oxygen cylinders for breathing apparatus and inhalators, to the extent required to meet the specifications of the Interstate Commerce Commission.

(b) Foot guards and toe guards (where the use of any less critical material is not practicable), to the extent necessary to provide adequate protection against impact injuries, provided that only NE 8630 or a lower grade steel may be used.

(5) Tin in solder as permitted by Conservation Order M-43, as amended from time to time.

(6) Synthetic plastics in:

(a) Protective hats and caps.

(b) Face shields.

(c) Goggle frames.

(d) Lenses and laminated glass.

(e) Respirator and gas mask parts.

(f) Mounting panels, rheostats, connections, plugs, and insulation in cases, for hazard measuring devices when necessary for efficient operation.

(g) Safety clothing.

(h) Salt tablet dispensers.

(i) Machine guards.

(j) Goggle headbands.

(7) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

(8) Elastic fabric in safety equipment to the extent necessary for efficient functioning and required endurance, except that when elastic fabric is used in headbands for the following safety equipment it shall not exceed the lengths specified hereafter:

(a) Cut type goggles—21 inches.

(b) Respirators—12 inches when crude or synthetic rubber is used; to the extent necessary for efficient functioning and required endurance when reclaimed or scrap rubber is used.

(9) Aluminum in the following safety equipment, where the use of any other less scarce material is not practicable (Magnesium should be used in place of aluminum for these items where the use of magnesium is practicable.):

(a) Supplied-air mask and hood inhalation and exhaust valves, lens retaining assembly, and hood interliner.

(b) Respirator, inhalation and exhaust valves, screw caps, cartridge and filter body assemblies, but only if used with screw type cap.

(c) Gas mask angle, Y and T tubes, inhalator and exhaust valves and tube inserts.

(d) Oxygen breathing apparatus angle tubes, Y tubes and breathing tube inserts.

(e) Goggle side shields and lens retaining rings.

(f) Machine guards, to the extent authorized by the War Production Board. (Application for authorization to use aluminum in

machine guards must be made by addressing a letter in duplicate to the Safety and Technical Equipment Division, War Production Board, Washington, D. C. The letter should specify the weight, form, and alloy of aluminum needed and the reasons why aluminum is required in the particular case.)

[F. R. Doc. 43-15367; Filed, September 20, 1943; 12:24 p. m.]

PART 3302—SERVICE EQUIPMENT¹

[Conversion Order L-54-a, as Amended Sept. 20, 1943]

TYPEWRITERS

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

§ 3302.6¹ Conversion Order L-54-a—
(a) Definitions. For the purpose of this order:

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

(2) "Manufacturer" means any person manufacturing typewriters, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Dealer" means any wholesaler, retailer or other distributor of typewriters, other than sales and distribution outlets controlled by a manufacturer.

(4) "Typewriter" unless expressly otherwise stated, means non-portable typewriters (including noiseless and electric types) and portable typewriters, and unless expressly otherwise stated, refers only to new typewriters. The term shall not include: billing machines, accounting principle, and collateral equipment; continuous forms handling machines, typewriter principle, having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; telegraphically controlled typewriters; braille typewriters; toy typewriters; linotype machines or monotype machines. The term "new typewriter" means any typewriter which has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. The term "used typewriter" means any typewriter which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

(5) "Sets of parts" means typewriter parts fabricated at plants in the United States and shipped to foreign countries for assembly into typewriters.

¹ Formerly Part 1112, § 1112.2.

² This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(b) *General restrictions.* (1) On and after November 1, 1942, no manufacturer shall manufacture any non-portable typewriters or parts therefor, or sets of parts for non-portable typewriters, except as otherwise specifically provided in paragraph (c) (4) herein.

(2) On and after August 1, 1942, no manufacturer shall manufacture any portable typewriters, or parts therefor, or sets of parts for portable typewriters.

(3) No person shall hereafter sell, deliver, purchase, or receive delivery of any new or used typewriters in any manner other than as specifically authorized herein or from time to time hereafter by the War Production Board, or by any governmental agency authorized by the Chairman of the War Production Board to regulate the distribution of new or used typewriters.

(4) Notwithstanding any of the restrictions of paragraph (b) of this order, the War Production Board may from time to time specifically authorize one or more manufacturers to manufacture specified quantities of typewriters, including parts or sets of parts therefor.

(c) *Authorized production quotas—*

(1) *Non-portable typewriters.* During the period from July 1, 1942, to October 31, 1942, except as otherwise provided in paragraph (c) (4) below, no manufacturer shall manufacture a number of non-portable typewriters or parts therefor (not including sets of parts for export) in excess of: 12.25 percent of the aggregate number of non-portable typewriters (not including parts therefor or sets of parts for export) billed to customers by such manufacturer during the calendar year 1941; plus the number of non-portable typewriters by which such manufacturer's quota for non-portable typewriters in the period from March 15, 1942, to June 30, 1942, exceeded the production of non-portable typewriters by such manufacturer during that period; or less the number of non-portable typewriters produced by such manufacturer in the period from March 15, 1942 to June 30, 1942, in excess of his authorized quota during that period, whether or not such excess production resulted from the granting of appeals by the War Production Board.

(2) *Portable typewriters.* During the period from July 1, 1942, to July 31, 1942, no manufacturer shall manufacture quantities of portable typewriters or parts therefor (not including sets of parts for export) in excess of 11 percent of the average monthly number of portable typewriters (not including parts therefor or sets of parts for export) billed to customers by such manufacturer during the calendar year 1941.

(3) *Sets of parts for export.* (i) During the period from July 1, 1942, to October 31, 1942, no manufacturer shall manufacture for export a number of sets of parts for non-portable typewriters in excess of 12.25 percent of the aggregate number of such sets of parts shipped for export from the factories of such manufacturer during the calendar year 1941.

(ii) During the period from July 1, 1942, to July 31, 1942, no manufacturer

shall manufacture for export a number of sets of parts for portable typewriters in excess of 11 percent of the average monthly number of such sets of parts shipped for export from his factories during the calendar year 1941.

(iii) The right to produce and export any sets of parts mentioned in this paragraph (c) (3) shall not be construed to authorize the export of such sets unless export license can be secured.

Any manufacturer who is unable to ascertain the physical quantity of sets of parts which he shipped from his factories during 1941 may produce for export: in the case of sets of parts for non-portable typewriters, a dollar value not in excess of 12.25 percent of the aggregate dollar value of such sets shipped for export from his factories during the calendar year 1941; and in the case of sets of parts for portable typewriters, a dollar value not in excess of 11 percent of the average monthly dollar value of such sets so shipped during 1941.

The quantities of sets of parts for non-portable and portable typewriters so produced shall be over and above the production quotas for non-portable and portable typewriters. No manufacturer so producing and exporting sets of parts shall directly or indirectly import any typewriter into the United States.

(4) *Special quota.* Notwithstanding the restrictions on manufacture (but subject to the restrictions on delivery and distribution) imposed by this order, Woodstock Typewriter Company may manufacture, in the period from July 1, 1942, to June 30, 1944, not in excess of 22,701 non-portable typewriters, at a rate not in excess of 1,600 per month, or at such other rate as the War Production Board may prescribe from time to time. The War Production Board may also direct, from time to time, the sizes, kinds, and types of non-portable typewriters which shall be produced by Woodstock Typewriter Company.

(5) *Distribution among models and types.* Except as otherwise provided by the War Production Board, no manufacturer shall produce a percentage of noiseless typewriters to total non-portable typewriter production in excess of the percentage which the quantity of noiseless typewriters billed to his customers in 1941 is of all non-portable typewriters billed to his customers in 1941. Manufacturers shall produce their production quotas of portable typewriters in accordance with specifications of the Army or Navy of the United States.

(d) *Manufacture and distribution of replacement parts.* The restrictions upon the production of portable and non-portable typewriters and parts therefor shall not be construed to limit the production of parts to be used to service and repair typewriters: *Provided, however,* That no manufacturer shall produce parts in excess of quantities required, under existing circumstances, to maintain a minimum practicable working inventory of such service and repair parts. No person servicing or repairing typewriters shall maintain a stock of such parts in excess of the minimum practicable working inventory, under existing circumstances.

(e) *Revocation of General Limitation Order L-54.* General Limitation Order L-54, and all amendments thereto and interpretations thereof, are revoked as of August 4, 1942: *Provided, however,* That all deliveries expressly authorized thereunder by the Director of Industry Operations may be completed.

(f) *Distribution of typewriters by manufacturers.* Regardless of the terms of any contract of sale or purchase or other commitment, or any preference rating certificate or blanket preference order, no manufacturer shall distribute his production and stock of typewriters except upon authorization of the War Production Board.

(g) *Distribution of typewriters by persons other than manufacturers.* In accordance with the terms of Supplementary Directive 1D, stocks of new nonportable and portable typewriters now in the hands of dealers, and all imports of new typewriters, are made available to the Office of Price Administration for rationing; and no dealer shall deliver any such typewriters except in accordance with such rules, regulations and authorizations as may be issued by the Office of Price Administration: *Provided, however,* That any dealer, other than a manufacturer, may deliver new typewriters in stock to any manufacturer willing to accept the same. Such typewriters shall, however, remain subject to rationing rules, regulations and authorizations of the Office of Price Administration.

(h) *Persons entitled to receive new typewriters—*(1) *Persons other than United States agencies and exporters.*

Persons other than United States agencies and exporters may purchase, accept, or otherwise receive delivery of new typewriters only as authorized by the Office of Price Administration in accordance with the terms of Supplementary Directive 1D, or as authorized by the War Production Board in writing. Requests for permission to receive delivery of new typewriters from manufacturers must be submitted to the War Production Board on Form WPB-1688.

(2) *Army and Navy.* Typewriters shall be delivered to the Army or Navy of the United States, including the War and Navy Departments, only upon authorization of the War Production Board.

(3) *Exporters—*(i) *Lend-lease.* No agency of the United States Government shall purchase, accept delivery of, or otherwise acquire, new typewriters to be delivered to or for the account of the government of any country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), except upon express authorization of the War Production Board. Manufacturers and dealers shall deliver new typewriters to any such agency upon the presentation of an authorization signed by the War Production Board. Any dealer may receive any new typewriter to fill any such order from any manufacturer producing such typewriters, and manufacturers shall deliver typewriters to

such dealers upon the presentation of any such authorization.

(ii) *Other than lend-lease.* No governmental agency (other than as provided in paragraph (h) (3) (1) above) or other person shall purchase, accept delivery of, or otherwise receive new typewriters for export except upon express authorization of the War Production Board. Any such agency or person must first apply to the Office of Export Control, Office of Economic Warfare, Washington, D. C., for an Export License. If the Office of Export Control recommends that an Export License be issued to the applicant, the War Production Board will be notified, and an authorization, on Form PD-365, to acquire a new typewriter may be issued to the applicant or to a person designated by the Office of Economic Warfare for his account. Upon presentation of said Form PD-365, duly signed, any manufacturer or dealer is authorized to deliver a new typewriter. Any dealer may receive any typewriter to fill any such order from any manufacturer producing such typewriters and manufacturers shall deliver typewriters to dealers upon receipt of any such authorization on Form PD-365.

(4) *Other Government agencies.* Except as otherwise provided in subparagraphs (2) and (3) above, no agency of the United States, except the Procurement Division of the Treasury Department, may purchase new typewriters. Once each month the War Production Board shall expressly authorize said Procurement Division to acquire specific quantities and brands of new typewriters, and said Procurement Division shall distribute such new typewriters to such agencies of the United States Government (other than the Army, the Navy, and agencies acquiring new typewriters for export) and in such quantities, and brands, as the War Production Board shall authorize. Any such agency which believes it will require such new typewriters during any month shall file, on or before the 25th day of the month preceding, Form PD-366 with the Procurement Division of the Treasury Department, which shall forward all such forms to the War Production Board. The War Production Board shall thereupon authorize said Procurement Division to acquire and distribute such quantities of new typewriters as, in its opinion, shall be necessary or appropriate in the public interest and to promote the national defense. No such agency shall request a new typewriter unless, to the best of its knowledge, such typewriter and all other typewriters possessed by the agency will be actually employed during the succeeding month.

(k) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter directed to the War

Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(l) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of typewriters.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request.

(n) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C. Ref.: L-54-a.

Issued this 20th day of September 1943.

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

[F. R. Doc. 43-15374; Filed, September 20, 1943; 12:22 p. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[Correction to MPR 53¹]

FATS AND OILS

The specifications for "Acid value" of polymerized high acid linseed oil, which appears in the 33rd line of the table set forth in section 7.1 (a), and which now reads "6-22" is hereby corrected to read "12-22".

This correction shall become effective September 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15384; Filed, September 20, 1943; 3:28 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 150, Amdt. 2]

FINISHED RICE AND RICE MILLING
BY-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 150 is amended in the following respects:

*Copies may be obtained from the Office of Price Administration.
¹ 8 F.R. 8653.

1. Section 2 is amended to read as follows:

SEC. 2. *Applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, of domestic and imported finished rice within the 48 states and the District of Columbia of the United States.

2. Section 5 (a) (2) is amended to read as follows:

(2) "Primary distributor" means a person who receives delivery of finished rice at a distributing center in carload quantities and sells the same in quantities of 20,000 pounds or less from such point either to wholesalers or for delivery to distributing warehouses of retailers. A primary distributor may also be a miller, mixer or other handler of finished rice. A distributing center of a primary distributor is a place of business, whether or not a warehouse, located outside any city and the recognized switching limits thereof if such primary distributor owns or operates a rice mill therein. A distributing warehouse of a retailer is a warehouse used primarily for the storage of supplies for delivery to his retail stores.

3. The introductory text of section 6 (a) and (a) (1) are amended to read as follows:

SEC. 6. *Maximum prices for the sale or delivery of finished rice.* (a) The maximum prices for the sale or delivery of finished rice, f. o. b. the rice mill where processed in the case of domestic finished rice, and f. o. b. port of entry in the case of imported finished rice, per 100 pounds, sacked or packed in containers furnished by the seller, by any person subject to this regulation, shall be as follows:

(1) For finished rice consisting of not less than 96 percent of whole kernels and not more than 4 percent of broken kernels nor more than 1 percent of a variety other than the predominant variety, the maximum price shall be as follows:

Varieties:	Maximum price
Rexoro.....	\$8.25
Nira.....	8.25
Fortuna.....	7.50
Edith.....	7.00
Calady.....	6.65
Blue Rose.....	6.50
American Pearl.....	6.50
Lady Wright.....	6.50
Zenith.....	6.50
Early Prolific.....	6.20
Any other variety.....	6.20

4. Section 6 (b) is amended to read as follows:

(b) The maximum prices for the sale or delivery of finished rice at any point other than the rice mill where processed in the case of domestic finished rice or the port of entry in the case of imported finished rice by any person subject to this regulation other than as a primary distributor shall be the maximum prices above set forth in paragraph (a) plus transportation charges actually incurred for the transportation of the finished rice from the rice mill where processed (or port of entry as the case may be) to the buyer's receiving point.

5. Section 6 (c) is amended to read as follows:

(c) The maximum price for the sale or delivery of finished rice by a primary distributor in quantities of 20,000 pounds or less shall be the maximum price for the sale or delivery of finished rice as specified in paragraphs (a) and (b) of this section plus an addition at the rate of 15 cents per 100 pounds where the distributor has not warehoused the finished rice in question at his distributing center or an addition at the rate of 25 cents per 100 pounds where the distributor has warehoused the finished rice in question at his distributing center plus transportation charges actually incurred by the distributor, whether inbound to, or outbound from, the distributing center.

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

SEC. 8. *Maximum price for the sale or delivery of rice milling by-products.* (a) The maximum price for the sale or delivery by a processor of rice hulls, rice bran or rice polishings, sacked, shall be as follows:

(1) For sales other than to a feeder or ultimate consumer in quantities of 20,000 pounds or less:

(i) \$10.00 per ton for rice hulls plus transportation charges actually incurred by the seller to buyer's receiving point.

(ii) \$30.00 per ton for rice bran plus transportation charges actually incurred by the seller to buyer's receiving point.

(iii) \$38.00 per ton for rice polishings plus transportation charges actually incurred by the seller to buyer's receiving point.

(2) For sales to a feeder or an ultimate user in quantities of 20,000 pounds or less, the maximum prices set forth in subparagraph (1) above may be increased at the rate of \$2.00 per ton.

7. Section 8 (b) is amended to read as follows:

(b) The maximum price for the sale or delivery of rice milling by-products, sacked, by a jobber shall be one of the following maximum markups:

(1) \$1.00 per ton for sales in quantities of 20,000 pounds or less; and

(2) 50 cents per ton for all other sales, over his cost not exceeding the maximum price thereon to him of the processor from whom the rice milling by-products in question were purchased plus transportation charges actually incurred by the jobber.

8. Section 8 (c), (d), (e) and (f) are amended to read as follows:

(c) The maximum price for the sale or delivery of rice hulls, sacked, by a wholesaler shall be \$2.00 per ton (maximum markup) over his cost not exceeding the maximum price thereon to him of the processor or jobber, as the case may be, from whom the rice hulls in question were purchased plus transportation charges actually incurred by the wholesaler.

(d) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a wholesaler shall be \$2.50 per ton (maximum markup) over his cost

not exceeding the maximum price thereon to him of the processor or jobber, as the case may be, from whom the rice bran or rice polishings in question were purchased plus transportation charges actually incurred by the wholesaler.

(e) The maximum price for the sale or delivery of rice hulls, sacked, by a retailer shall be \$3.00 per ton (maximum markup) over his cost not exceeding the maximum price thereon to him of the processor, jobber, or wholesaler, as the case may be, from whom the rice hulls in question were purchased plus transportation charges actually incurred by the retailer.

(f) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a retailer shall be \$4.00 per ton (maximum markup) over his cost not exceeding the maximum price thereon to him of the processor, jobber or wholesaler, as the case may be, from whom the rice bran or rice polishings in question were purchased plus transportation charges actually incurred by the retailer.

9. Section 8 (i) is amended to read as follows:

(i) The maximum price for the sale or delivery of imported rice hulls, rice bran or rice polishings shall be the maximum prices hereinbefore in this section set forth (exclusive of all transportation charges) for a like sale or delivery of the domestic product by a like seller plus transportation charges by whomsoever paid from port of entry to buyer's receiving point and, if any, from wholesaler's warehouse to retail store and from retail store to feeder or ultimate consumer.

This amendment shall become effective September 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15382; Filed, September 20, 1943; 3:28 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS
[MPR 265,¹ Amdt. 3]

SALES BY CANNERS OF SALMON

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

Section 1364.562 (a) is amended by deleting the words "50¢ less per case of 48 one pound cans than the prices set forth

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

¹ F.R. 9229, 10379, 11009; 8 F.R. 164, 606, 9380.

below." and inserting in their place the words "the prices set forth below less the actual costs including war risk insurance to ship it by water from the shipping point nearest the cannery in Alaska to Seattle, Washington."

This amendment shall become effective September 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15385; Filed, September 20, 1943; 3:28 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 286,¹ Amdt. 6]

CERTAIN SAUSAGE PRODUCTS FOR WAR PROCUREMENT AGENCIES

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

Section 1364.802 (b) is amended to read as follows:

(b) The prices set forth in this paragraph (b) shall be the base prices for all sales, effective September 27, 1943.

Product:	Price per hundredweight
Frankfurters, sheep casings.....	\$27.50
Frankfurters, skinless or hog casings.....	24.50
Bologna, beef bungs or middles....	22.50
Bologna, artificial casings.....	21.75

This amendment shall become effective September 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15383; Filed, September 20, 1943; 3:28 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 384]

SALES BY PROCESSORS OF SALT CODFISH, HAKE, HADDOCK, CUSK AND POLLOCK

Maximum Price Regulation No. 384,¹ Sales By Processors of Salt Codfish, is redesignated Revised Maximum Price Regulation No. 384, Sales By Processors of Salt Codfish, Hake, Haddock, Cusk and Pollock, and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 384 has been issued simultaneously herewith

¹ 7 F.R. 10554; 8 F.R. 2157, 2350, 4640, 7681, 10079, 11039.

² 8 F.R. 6100, 7489.

and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this revised maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said Act and Executive Orders.

The maximum prices established herein are not below the average prices of salt codfish, hake, haddock, cusk and pollock in the year 1941.

§ 1364.1156 *Maximum processors' prices for salt codfish, hake, haddock, cusk and pollock.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and Executive Order No. 9328, Revised Maximum Price Regulation No. 384 (Sales By Processors of Salt Codfish, Hake, Haddock, Cusk and Pollock), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1364.1156, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION No. 384—SALES BY PROCESSORS OF SALT CODFISH, HAKE, HADDOCK, CUSK AND POLLOCK

ARTICLE I—MAXIMUM PROCESSORS' PRICES, PROHIBITION AND SCOPE OF REGULATION

1. Maximum processors' prices for salt codfish, hake, haddock, cusk and pollock.
2. Allowance for transportation.
3. Sales of salt codfish, hake, haddock, cusk and pollock at higher than maximum prices prohibited.
4. Where the revised regulation applies.
5. Sales to which this revised regulation does not apply.
6. Relation to other regulations.

ARTICLE II—RECORD KEEPING AND ENFORCEMENT

7. Records and reports.
8. Indirect price increases.
9. Enforcement.

ARTICLE III—MISCELLANEOUS PROVISIONS

10. Petitions for amendment.
11. Adjustable pricing.
12. Definitions.

Article I—Maximum Processors' Prices, Prohibition and Scope of Regulation

SECTION 1. *Maximum processors' prices for salt codfish, hake, haddock, cusk and pollock.* (a) The prices set forth are maximum prices f. o. b. the shipping point nearest the processor's warehouse. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

Whole Hard Dried Codfish (containing no more than 38% moisture)

Selected Extra Large:	Price per pound
To 50 lb. box.....	\$0.22
51 to 250 lb. box.....	.21½
Bundles or bulk.....	.20½

Deduct ½ cent for Selected Large, 1 cent for Selected Medium and 1½ cents for Selected Small from the prices of Selected

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

Extra Large to get their maximum selling prices.

Whole Hard Dried Codfish (containing no more than 38% moisture)—Con.

Choice Extra Large:	Price per pound
To 50 lb. box.....	\$0.21
51 to 250 lb. box.....	.20½
Bundles or bulk.....	.19½

Deduct ½ cent for Choice Large, 1 cent for Choice Medium and 1½ cents for Choice Small from the prices of Choice Extra Large to get their maximum selling prices.

Standard Extra Large:	Price per pound
To 50 lb. box.....	\$0.20
51 to 250 lb. box.....	.19
Bundles or bulk.....	.18½

Deduct ½ cent for Standard Large, 1 cent for Standard Medium and 1½ cents for Standard Small from the prices of Standard Extra Large to get their maximum selling prices.

Substandard Extra Large:	Price per pound
To 50 lb. box.....	\$0.18½
51 to 250 lb. box.....	.18
Bundles or bulk.....	.17

Deduct ½ cent for Substandard Large, 1 cent for Substandard Medium and 1½ cents for Substandard Small from the prices of Substandard Extra Large to get their maximum selling prices.

Tom Cods Extra Small:	Price per pound
To 50 lb. box.....	\$0.18¼
51 to 250 lb. box.....	.17¼
Bundles or bulk.....	.16¼

Whole Hake (containing no more than 43% moisture)

Standard Large:	Price per pound
To 50 lb. box.....	\$0.16¾
51 to 250 lb. box.....	.16¼
Bundles or bulk.....	.15¼

Deduct ½ cent for Substandard Large from the prices of Standard Large to get its maximum selling prices.

Standard Medium:	Price per pound
To 50 lb. box.....	\$0.16
51 to 250 lb. box.....	.15½
Bundles or bulk.....	.14½

Deduct ½ cent for Substandard Medium from the prices of Standard Medium to get its maximum selling prices.

Standard Small:	Price per pound
To 50 lb. box.....	\$0.16
51 to 250 lb. box.....	.15½
Bundles or bulk.....	.14½

Deduct ½ cent for Substandard Small from the prices of Standard Small to get its maximum selling prices.

Standard Extra Small:	Price per pound
To 50 lb. box.....	\$0.15½
51 to 250 lb. box.....	.15
Bundles or bulk.....	.14

Deduct ½ cent for Substandard Extra Small from the prices of Standard Extra Small to get its maximum selling prices.

Whole Pollock and Whole Cusk (containing no more than 43% moisture)

Standard Large:	Price per pound
To 50 lb. box.....	\$0.17¼
51 to 250 lb. box.....	.16¾
Bundles or bulk.....	.15¾

Deduct ½ cent for Substandard Large from the prices of Standard Large to get its maximum selling prices.

Standard Medium:	Price per pound
To 50 lb. box.....	\$0.17
51 to 250 lb. box.....	.16½
Bundles or bulk.....	.15½

Deduct ½ cent for Substandard Medium from the prices of Standard Medium to get its maximum selling prices.

Whole Pollock and Whole Cusk (containing no more than 43% moisture)—Continued

Standard Extra Small:	Price per pound
To 50 lb. box.....	\$0.16½
51 to 250 lb. box.....	.16
Bundles or bulk.....	.15

Deduct ½ cent for Substandard Extra Small from the prices of Standard Extra Small to get its maximum selling prices.

Whole Haddock (containing no more than 43% moisture)

Standard Medium:	Price per pound
To 50 lb. box.....	\$0.16
51 to 250 lb. box.....	.15½
Bundles or bulk.....	.14½

Deduct ½ cent for Substandard Medium from the prices of Standard Medium to get its maximum selling prices.

Standard Small:	Price per pound
To 50 lb. box.....	\$0.16
51 to 250 lb. box.....	.15½
Bundles or bulk.....	.14½

Deduct ½ cent for Substandard Small from the prices of Standard Small to get its maximum selling prices.

Standard Extra Small:	Price per pound
To 50 lb. box.....	\$0.15½
51 to 250 lb. box.....	.15
Bundles or bulk.....	.14

Deduct ½ cent for Substandard Extra Small from the prices of Standard Extra Small to get its maximum selling prices.

Whole Codfish Gaspe Slack Salted Fall Cure (containing no more than 48% moisture)

Selected Extra Large:	Price per pound
To 50 lb. box.....	\$0.23¾
51 to 250 lb. box.....	.23¼
Bundles or bulk.....	.22¼

Deduct ½ cent for Selected Large, 1 cent for Selected Medium and 1½ cents for Selected Small from the prices of Selected Extra Large to get their maximum selling prices.

Choice Extra Large:	Price per pound
To 50 lb. box.....	\$0.22½
51 to 250 lb. box.....	.22
Bundles or bulk.....	.21

Deduct ½ cent for Choice Large, 1 cent for Choice Medium and 1½ cents for Choice Small from the prices of Choice Extra Large to get their maximum selling prices.

Standard Extra Large:	Price per pound
To 50 lb. box.....	\$0.21½
51 to 250 lb. box.....	.21
Bundles or bulk.....	.20

Deduct ½ cent for Standard Large, 1 cent for Standard Medium and 1½ cents for Standard Small from the prices of Standard Extra Large to get their maximum selling prices.

Substandard Extra Large:	Price per pound
To 50 lb. box.....	\$0.20
51 to 250 lb. box.....	.19½
Bundles or bulk.....	.18½

Deduct 2 cents for Substandard Medium and 2 cents for Substandard Small from the prices of Substandard Extra Large to get their maximum selling prices.

Heavy Salted Semi-dry Labrador fish (containing 43% to 48% moisture):

Take the prices provided for Gaspe Slack Salted Fall Cure and deduct 4½ cents per pound to obtain maximum selling prices.

Slack Salted Shore fish (containing no more than 43% moisture):

Take the prices provided for Gaspe Slack Salted Fall Cure and deduct 2½ cents per pound to obtain maximum selling prices.

Fancy Codfish (containing no more than 55% moisture): *Price per pound*

1# Wood box.....	\$0.37
2# Wood box.....	.36
3# Wood box.....	.35
5# Wood box.....	.34
1# Carton (loose packed).....	.34
2# Carton (loose packed).....	.33
3# Carton (loose packed).....	.32
5# Carton (loose packed).....	.31

Choice Codfish (containing no more than 55% moisture): *Price per pound*

1# Wood box.....	\$0.35
2# Wood box.....	.34
3# Wood box.....	.33
5# Wood box.....	.32
1# Carton (loose packed).....	.32
2# Carton (loose packed).....	.31
3# Carton (loose packed).....	.30
5# Carton (loose packed).....	.29
1# Carton (pressed cake).....	.31
½ # Carton (pressed cake).....	.33

Codbits (containing no more than 55% moisture): *Price per pound*

1# Wood box.....	\$0.32
2# Wood box.....	.31
3# Wood box.....	.30
5# Wood box.....	.29
1# Carton (loose packed).....	.29
2# Carton (loose packed).....	.28
3# Carton (loose packed).....	.27
5# Carton (loose packed).....	.26

Codbits, bulk (containing no more than 55% moisture): *Price per pound*

To 20 lb. box.....	\$0.25
21 to 50 lb. box.....	.24½
51 to 250 lb. box.....	.23
Barrels.....	.22

Trimnings and Scrap Bulk (containing no more than 55% moisture): *Price per pound*

To 20 lb. box.....	\$0.18
21 to 50 lb. box.....	.17½
51 to 250 lb. box.....	.17
Barrels.....	.16½

Cod Middles, bulk (containing no more than 55% moisture): *Price per pound*

Large Cod Middles:	
20 lb. box.....	\$0.32
30 lb. box.....	.31½
40 lb. box.....	.31
Medium Cod Middles:	
20 lb. box.....	.31
30 lb. box.....	.30½
40 lb. box.....	.30

Codfish Strips, bulk, and Narrow Gauge Rolls (containing no more than 55% moisture): *Price per pound*

Fancy or Large Cod Strips:	
20 lb. box.....	\$0.29
30 lb. box.....	.28½
40 lb. box.....	.28
Choice or Medium Cod Strips:	
20 lb. box.....	.28
30 lb. box.....	.27½
40 lb. box.....	.27
Standard or Small Cod Strips:	
20 lb. box.....	.27
30 lb. box.....	.26½
40 lb. box.....	.26

Whole Codfish (containing no more than 55% moisture)

Fancy Extra Large or Fancy Extra Whole Codfish: *Price per pound*

To 50 lb. box.....	\$0.14½
51 to 250 lb. box.....	.14
Bundles or bulk.....	.13

Deduct 1 cent for Fancy Medium Whole Codfish, 1½ cents for Fancy Small Whole Codfish and 1½ cents for Fancy Extra Small Whole Codfish from the prices for Fancy Extra Large or Fancy Large Whole Codfish to get their maximum selling prices.

Choice Extra Large or Choice Large Whole Codfish: *Price per pound*

To 50 lb. box.....	\$0.12½
51 to 250 lb. box.....	.12
Bundles or bulk.....	.11

Deduct 1 cent for Choice Medium Whole Codfish, 1½ cents for Choice Small Whole Codfish and 1½ cents for Choice Extra Small Whole Codfish from the prices for Choice Extra Large or Choice Large Whole Codfish to get their maximum selling prices.

Substandard Large or Extra Large Whole Codfish: *Price per pound*

To 50 lb. box.....	\$0.11
51 to 250 lb. box.....	.10½
Bundles or bulk.....	.09½

Deduct 1 cent for Substandard Medium Whole Codfish, 1½ cents for Substandard Small Whole Codfish and 1½ cents for Substandard Extra Small Whole Codfish from the prices of Substandard Large or Extra Large Whole Codfish to get their maximum selling prices.

Fibred Fish, packaged (containing no more than 52% moisture): *Price per package*

4 oz. package.....	\$0.11
4 oz. glass tumbler.....	.12
5 oz. package.....	.13

Fibred Fish, bulk (containing no more than 52% moisture): *Price per pound*

5 lb. box.....	\$0.29
5 to 50 lb. box.....	.28
51 to 250 lb. box.....	.27½
Barrel.....	.26½

Pickled Salted Cod Fillets (containing no more than 55% moisture): *Price per pound*

Boneless skin on:

Large barrel (120 pieces per barrel)	
.....	\$0.24
Medium barrel (121 to 250 pieces per barrel)	
.....	.23
Small barrel (251 to 350 pieces per barrel)	
.....	.22
Semi-boneless skin on:	
Large barrel (120 pieces per barrel)	
.....	.23
Medium barrel (121 to 250 pieces per barrel)	
.....	.22
Small barrel (251 to 350 pieces per barrel)	
.....	.21

Large boneless skin on:

To 20 lb. box.....	.25½
21 to 50 lb. box.....	.25
51 to 250 lb. box.....	.24½
Large semi-boneless skin on:	
To 20 lb. box.....	.24½
21 to 50 lb. box.....	.24
51 to 250 lb. box.....	.23½

Deduct ¼ cent for Medium Semi-boneless skin on and 1¼ cents for Small Semi-boneless skin on from the prices for Large Semi-boneless skin on to get their maximum selling prices.

Whole Hake, Pollock, Cusk or Haddock (containing no more than 55% moisture):

Large (standard or substandard): *Price per pound*

To 50 lb. box.....	\$0.12
51 to 250 lb. box.....	.11½
Bundles or bulk.....	.10½
Medium (standard or substandard):	
To 50 lb. box.....	.11
51 to 250 lb. box.....	.10½
Bundles or bulk.....	.09½
Extra Small or Small (standard or substandard):	
To 50 lb. box.....	.09½
51 to 250 lb. box.....	.09
Bundles or bulk.....	.08

White Hake, Haddock, Cusk or Pollock Strips (containing no more than 55% moisture): *Price per pound*

20 lb. box.....	.22½
30 lb. box.....	.22
40 lb. box.....	.21½

Southern Style Hake, Haddock or Pollock Strips (containing no more than 55% moisture): *Price per pound*

20 lb. box.....	.18
30 lb. box.....	.17½
40 lb. box.....	.17

Hake, Haddock, Cusk or Pollock Bricks (containing no more than 55% moisture): *Price per pound*

20/1 lb.....	.19
30/1 lb.....	.18½
40/1 lb.....	.18

If any of the whole codfish, whole hake, whole haddock, whole cusk or whole pollock is shipped from Canada packed in casks, \$2.75 per cask of 448 pounds each may be added to the ceiling price for the bulk fish. If shipped from Newfoundland, \$4.07 may be added to the price for the bulk fish.

(b) For container sizes, or types, species, and styles of pack of salt codfish, hake, haddock, cusk or pollock not listed in paragraph (a) the price shall be the price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

(c) With the first delivery after September 21, 1943, of any item of salt codfish, hake, haddock, cusk or pollock, in any case where a maximum price is determined pursuant to this revised regulation, the processor determining his maximum price shall supply each wholesaler and retailer who purchases from him with the following written notice:

Notice to Wholesalers and Retailers

Our OPA ceiling price for (describe item) has been changed under the provisions of Revised Maximum Price Regulation No. 384. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421,

422 or 423, and if we are your customary type of supplier, you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations (see Section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on and after September 21, 1943.

For a period of 90 days after September 21, 1943, and with the first shipment after the 90 day period to each person who has not made a purchase within that time, the processor shall include in each box, carton, burlap wrapping or bag containing the item the written notice set forth before.

SEC. 2. Allowance for transportation. The maximum price at which a processor, including any agent of a foreign seller or importer, may sell salt codfish, hake, haddock, cusk or pollock shall be the base price listed in section 1 (a) plus the actual freight to the processor's warehouse from the point at which the fish enters the United States. If that freight is less than the carload rail freight rate from the shipping point in the United States closest to the seller's plant to the processor's warehouse, the latter may be added in place of the actual freight.

Example: Salt codfish might move from Prince Rupert, B. C., to Montreal and enter the United States slightly south of Montreal on the way to New York. The port of entry would be near Montreal, but the freight rate from Montreal to New York is less than the rate from Seattle to New York, and Seattle being the shipping point in the United States closest to the seller's plant, the rate from Seattle to New York may be added to the processor's selling price.

SEC. 3. Sales of salt codfish, hake, haddock, cusk and pollock at higher than maximum prices prohibited. (a) On or after September 21, 1943, regardless of any contract, agreement, or other obligation, no processor shall sell or deliver any salt codfish, hake, haddock, cusk or pollock, and no person in the course of trade or business shall buy or receive from any processor any salt codfish, hake, haddock, cusk or pollock at prices higher than the maximum prices established by this revised regulation, and no person shall agree, offer, solicit or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 4. Where the revised regulation applies. The provisions of this revised regulation shall apply to the forty-eight states of the United States and the District of Columbia.

SEC. 5. Sales to which this revised regulation does not apply. The provisions of this revised regulation shall not be applicable to sales or deliveries of salt codfish, hake, haddock, cusk or pollock to a purchaser, if prior to September 21, 1943, such salt codfish, hake, haddock, cusk or pollock have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

SEC. 6. Relation to other regulations. (a) On and after September 21, 1943, the

provisions of this revised regulation supersede the provisions of the General Maximum Price Regulation¹ with respect to sales and deliveries for which maximum prices are established by this revised regulation.

(b) The maximum price at which a person may export salt codfish, hake, haddock, cusk or pollock shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation¹ issued by the Office of Price Administration.

Article II—Record Keeping and Enforcement

SEC. 7. Records and reports. (a) Every person making a sale subject to this revised regulation and every person in the course of trade or business making a purchase of salt codfish, hake, haddock, cusk or pollock subject to this revised regulation, or otherwise dealing therein, after September 21, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and kind of salt codfish, hake, haddock, cusk or pollock.

(b) Such person shall, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 8. Indirect price increases. No person shall evade any of the provisions of this revised regulation by any scheme or device and no person shall indirectly charge or receive for salt codfish, hake, haddock, cusk or pollock a price higher than the maximum price permitted by this revised regulation. No person shall, as a condition of selling any salt codfish, hake, haddock, cusk or pollock require a purchaser to buy any other species of fish or any other product.

SEC. 9. Enforcement. On and after September 21, 1943, any person violating any provision of this revised regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided by the Emergency Price Control Act of 1942, as amended.

Article III—Miscellaneous Provisions

SEC. 10. Petitions for amendment. Any person seeking an amendment of any provision of this revised regulation may file a petition for amendment in accordance with the provisions of Re-

vised Procedural Regulation No. 1⁴ issued by the Office of Price Administration.

SEC. 11. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 12. Definitions. When used in this revised maximum price regulation, the term:

"Choice codfish" means fish packed from medium or large whole codfish with all large bones removed, cut and prepared for packing in boxes or cartons, numbering not more than eight pieces to the pound when packed in the 1 pound package, and not more than 6 pieces to the ½ pound package.

"Choice or medium cod strips" means codfish strips cut from medium codfish and weighing not less than one pound each.

"Codbites" means small pieces or trimmings from large, medium or small codfish, numbering no more than 14 pieces to the pound.

"Cod middles" means steaks or cross cuts from the center of large or medium codfish, skinned, with all large bones removed, except some small fin bones.

"Cusk" means fish (*Brosme brosme*) that have been beheaded, eviscerated and preserved by salt treatment, with a moisture content not exceeding 55 percent, and that have been caught in the Atlantic and Pacific Oceans and adjoining waters.

"Extra large codfish" means codfish more than 24 inches in length.

"Extra small whole codfish" means salt codfish measuring less than 12 inches in length.

"Extra small whole cusk" means cusk measuring less than 12 inches in length.

"Extra small whole haddock" means haddock measuring less than 12 inches in length.

"Extra small whole hake" means hake measuring less than 12 inches in length.

"Extra small whole pollock" means pollock measuring less than 12 inches in length.

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9035, 9991, 11955.

⁴ 7 F.R. 5059, 7242, 8829, 9000, 10630; 8 F.R. 4132, 5987, 7662, 9998.

⁴ 7 F.R. 8961, 8 F.R. 3313, 3533, 6173, 11806.

"Fancy codfish" means fish packed from large whole codfish with all large bones removed, cut and prepared for packing in boxes or cartons, numbering no more than four pieces to the pound, without napes or tail pieces.

"Fancy, extra large or large cod strips" means codfish strips cut from large codfish, and weighing not less than 2 pounds each.

"Fibred fish" means whole codfish or codbits that have been treated by separating the fibres and shredding the fish by a combing, raking or cutting action, containing less than 52 percent moisture, and known also as shredded, flossed, fluffed, threaded or spun codfish.

"Gaspe slack salted fall cured codfish" means codfish that is heavy and fat, lightly salted, and sunned for about two or three days, and is caught in the late summer and fall months.

"Haddock" means fish (*Melanogrammus aeglefinus*) that have been beheaded, eviscerated and preserved by salt treatment, with a moisture content not exceeding 55 percent, and that have been caught in the Atlantic and Pacific Oceans and adjoining waters.

"Hake" means fish (*Urophycis* species (Atlantic Coast) and *Merluccius productus* (Pacific Coast)) that have been beheaded, eviscerated, and preserved by salt treatment, with a moisture content not exceeding 55 percent, and that have been caught in the Atlantic and Pacific Oceans and adjoining waters.

"Heavy salted semi-dry Labrador fish" means codfish caught in the Labrador area, dried to a moisture content of 43 to 48 percent, and heavily salted.

"Large cod middles" means cod middles weighing $3\frac{1}{2}$ pounds or over.

"Large whole codfish" means salt codfish measuring more than 22 and less than 24 inches in length and weighing four pounds or over.

"Large whole cusk" means cusk measuring more than 22 and less than 24 inches in length and weighing four pounds or over.

"Large whole haddock" means haddock measuring more than 22 and less than 24 inches in length and weighing four pounds or over.

"Large whole hake" means hake measuring more than 22 and less than 24 inches in length and weighing four pounds or over.

"Large whole pollock" means pollock measuring more than 22 and less than 24 inches in length and weighing four pounds or over.

"Loose packed" means cuts of pieces of fish packed loose.

"Measuring in length" means measurement as made from the hollow of the nape to the V of the tail on the bone side.

"Medium cod middles" means cod middles weighing less than $3\frac{1}{2}$ pounds.

"Medium whole codfish" means salt codfish measuring more than 18 and less than 22 inches in length.

"Medium whole cusk" means cusk measuring more than 18 and less than 22 inches in length.

"Medium whole haddock" means haddock measuring more than 18 and less than 22 inches in length.

"Medium whole hake" means hake measuring more than 18 and less than 22 inches in length.

"Medium whole pollock" means pollock measuring more than 18 and less than 22 inches in length.

"Narrow gauge rolls" means cuts made lengthwise through the middle of the back with backbone and most rib bones removed from cod, hake, haddock, cusk or pollock and scored so as to roll.

"Person" includes any individual, corporation, partnership, association or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, or other government, or any of its political subdivisions, and any agency of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States or any such government, political subdivision or agency.

"Pickled salted cod fillets" means strips of fish cut lengthwise from the whole fish and cured by pickling in a saline solution.

"Pollock" means fish (*Pollachius virens*) that have been beheaded, eviscerated and preserved by salt treatment, with a moisture content not exceeding 55 percent, and that have been caught in the Atlantic and Pacific Oceans and adjoining waters.

"Pressed cake or brick" means fish which have been placed into a mold and pressed into brick form before packaging, and is also known as a tablet.

"Processor" means a person who imports and/or domestically prepares salt codfish for resale in the form in which it is received or who further treats it by curing, grading and/or packaging.

"Salt codfish" means fish (*Gadus macrocephalus* (Pacific Coast) and *Gadus callarias* (Atlantic Coast)), that have been beheaded, eviscerated, and preserved by salt treatment, with a moisture content not exceeding 55 percent, and that have been caught in the Atlantic and Pacific Oceans and adjoining waters.

"Selected" means codfish of sound quality, firm, and well salted; almost white with clean and clear surface; well split, not showing blood stains, clots, liver or guts.

"Slack salted shore fish" means fish lightly salted and dried in the summer.

"Small whole codfish" means salt codfish measuring more than 12 and less than 18 inches in length.

"Small whole cusk" means cusk measuring more than 12 and less than 18 inches in length.

"Small whole haddock" means haddock measuring more than 12 and less than 18 inches in length.

"Small whole hake" means hake measuring more than 12 and less than 18 inches in length.

"Small whole pollock" means pollock measuring more than 12 and less than 18 inches in length.

"Southern style hake, haddock or pollock strips" means strips of hake, haddock or pollock with skins removed and fins cut off, and packed crosswise in boxes.

"Standard" means codfish, hake, haddock, cusk or pollock of sound quality, firm, and well salted but maybe badly split, with an uneven surface, and shows slight blood stains.

"Standard or small cod strips" means codfish strips cut from small codfish and weighing less than one pound each.

"Strips" means cuts made lengthwise through the middle of the back with backbone and most rib bones removed from cod, hake, pollock, haddock or cusk, packed lengthwise in boxes.

"Substandard" means codfish, hake, haddock, cusk or pollock undersalted, broken or damaged or very badly split and showing serious blood stains, clots or liver and guts.

"Tom cods" means whole codfish not less than 8 or more than 12 inches in length.

"Trimings and scrap bulk" means small pieces cut from large, medium or small codfish numbering less than 14 pieces to the pound.

"Whole codfish" means salt codfish with half of the backbone removed and containing not more than 55 percent moisture, and is also known by the trade as pickle cured, wet salted, wet cured, green cured or uncured, dry salted and cured.

Effective date: This Revised Maximum Price Regulation No. 384 shall become effective September 21, 1943.

NOTE: The 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 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15386; Filed, September 20, 1943; 3:29 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 94; Amdt. 8]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

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.*

A new paragraph (c) is added to § 1381.501, to read as follows:

(c) On and after September 25, 1943, Defense Supplies Corporation or any other government agency designated by the Office of Economic Warfare, may sell Mexican pine lumber at the highest prevailing price established by the Office of Price Administration for any domestic importer. The term "Mexican Pine" relates to the species of Western pine as described in this regulation.

This amendment shall become effective September 25, 1943.

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

17 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15387; Filed, September 20, 1943; 3:29 p. m.]

PART 1412—SOLVENTS

[MPR 28,¹ Amdt. 4]

ETHYL ALCOHOL

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

Section 1412.263 (h) (2) is amended to read as follows:

(2) The per gallon margin of profit shall be allowed on the alcohol produced in each plant as follows: For each gallon produced and sold to the Defense Supplies Corporation during a calendar quarterly period, up to and including 750,000 gallons, 4 cents per gallon; for each gallon produced and sold during a calendar quarterly period over 750,000 gallons and up to and including 1,500,000 gallons, 3 cents per gallon; and for each gallon produced and sold during a calendar quarterly period over 1,500,000 gallons, 2½ cents per gallon.

This amendment shall become effective September 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15391; Filed, September 20, 1943; 3:26 p. m.]

PART 1436—PLASTIC AND SYNTHETIC RESINS

[MPR 406² Incl. Amdt. 2]

SYNTHETIC RESINS AND PLASTIC MATERIALS AND SUBSTITUTE RUBBER³

A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.⁴

Such specifications and standards as are used in this regulation were, prior to

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

¹ 8 F.R. 2339, 4256, 4852, 8016.

² 8 F.R. 8372.

³ "Substitute rubber" is added to the title and to all references to "synthetic resins and plastic materials" by Am. 2, effective 9-25-43.

⁴ Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

such use, in general use in the trade or industry affected.

[Above sentence added by Supplementary Order 67, 8 F.R. 12555, effective 9-11-43]

§ 1436.51 *Maximum prices for synthetic resins and plastic materials and substitute rubber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250 and 9328, Maximum Price Regulation No. 406 (Synthetic Resins and Plastic Materials and Substitute Rubber) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1436.51 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 406—SYNTHETIC RESINS AND PLASTIC MATERIALS AND SUBSTITUTE RUBBER

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Prohibition against dealing in synthetic resins or plastic materials or substitute rubber above maximum prices.
2. Less than maximum prices.
3. Relationship of this to other maximum price regulations.
4. Geographical applicability.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Maximum prices for synthetic resins and plastic materials and substitute rubber which are the same as products delivered prior to June 22, 1943.
6. Maximum prices for synthetic resins and plastic materials and substitute rubber which are "nearly the same" as products for which maximum prices have already been established.
7. Maximum prices for synthetic resins and plastic materials and substitute rubber which are "related" to products for which maximum prices have already been established.
8. Maximum prices for "nearly related" synthetic resins and plastic materials and substitute rubber.
9. Exclusion of "experimental" synthetic resins and plastic materials and substitute rubber.
10. Maximum prices for synthetic resins and plastic materials and substitute rubber which are not subject to sections 5, 6, 7, 8, or 9.
11. Fractions of a cent in establishing maximum prices under sections 7, 8, and 10.
12. Discounts, allowances, and containers.
13. Special treatment for certain increases and reductions in cost.

ARTICLE III—MISCELLANEOUS

14. Records and reports.
 15. Evasion.
 16. Enforcement.
 17. Definitions.
 18. Petitions for amendment.
- Appendix A: Report form.

Article I—Prohibition and Scope of Regulation

SECTION 1. *Prohibition against dealing in synthetic resins or plastic materials or substitute rubber above maximum prices.* On or after June 22, 1943, regardless of any contract or other obligation;

No manufacturer shall sell or deliver any synthetic resin or plastic material or substitute rubber at a price higher than the maximum price established by this regulation;

No person in the course of trade or business shall buy or receive any synthetic resin or plastic material or substitute rubber at a price higher than the maximum price established by this regulation; *Provided, however,* That such a buyer shall be deemed to have complied with this paragraph if prior to payment by him, he obtains from the seller a written statement that to the best of the seller's knowledge the price does not exceed the maximum price established by this regulation, and if the buyer has no reason to doubt the truth of this statement;

No person shall agree to, offer to do, or attempt any of the foregoing prohibited acts.

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

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

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

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

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Relationship of this to other maximum price regulations—(a) General Maximum Price Regulation.*⁴ The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation, except as otherwise specifically provided in this regulation.

(b) *Sales to United States Agencies (Revised Supplementary Regulation No. 1⁵ applicable.)* The exceptions to the General Maximum Price Regulation set forth in Article IV, Revised Supplementary Regulation No. 1, for certain sales and deliveries shall also constitute exceptions to this regulation insofar as the commodities and transactions there excepted would otherwise have been subject to this regulation.

(c) *Imports (Maximum Import Price Regulation applicable).* The provisions of this regulation do not apply to pur-

⁴ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

⁵ 8 F.R. 4978, 6056, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349.

chases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the Maximum Import Price Regulation.*

[Paragraph (c) as amended by Am. 2, effective 9-25-43]

(d) *Exports (Second Revised Maximum Export Price Regulation' applicable)*. The maximum prices at which a person may export synthetic resins and plastic materials and substitute rubber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

(e) *Natural resins (Maximum Price Regulation No. 297* applicable)*. This regulation does not establish maximum prices for any commodity for which maximum prices are established by Maximum Price Regulation No. 297—Natural Resins.

SEC. 4. Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

Article II—Maximum Prices and Terms of Sale

SEC. 5. Maximum prices for synthetic resins and plastic materials and substitute rubber which are the same as products delivered prior to June 22, 1943. The maximum price for any synthetic resin or plastic material or substitute rubber which is the same as a synthetic resin or plastic material or substitute rubber for which the seller has established a maximum price in accordance with the General Maximum Price Regulation and made a delivery thereof prior to June 22, 1943, shall be the maximum price so established.

SEC. 6. Maximum prices for synthetic resins and plastic materials and substitute rubber which are "nearly the same" as products for which maximum prices have already been established—

(a) *Definition.* A synthetic resin or plastic material or substitute rubber which is newly offered for sale is "nearly the same" as another if:

(1) It is produced by the same manufacturer

(2) By substantially the same process,

(3) Has the same general use and serviceability, and

(4) Varies not more than 2 per cent in total direct cost from the total direct cost of the product with which it is being compared. Total direct cost shall be computed by the method provided in section 7.

Slight differences in shape, dimension, or composition shall not prevent a prod-

uct from being "nearly the same" as another.

(b) *Maximum prices.* The maximum price of any "nearly the same" synthetic resin or plastic material or substitute rubber shall be the maximum price, to buyers of the same class, of the synthetic resin or plastic material or substitute rubber with which the product is compared under section 6 (a) above.

SEC. 7. Maximum prices for synthetic resins and plastic materials and substitute rubber which are "related" to products for which maximum prices have already been established—(a) *Definition.* A synthetic resin or plastic material or substitute rubber which is newly offered for sale is "related" to another if

(1) It is produced by the same manufacturer

(2) By substantially the same process,

(3) Has the same general use and serviceability,

(4) Varies more than 2 per cent but not more than 25 per cent in total direct cost from the total direct cost of the product with which it is being compared; and

(5) *Provided,* That it shall not be compared with a product for which a maximum price has been established under § 1499.2 (b) (2) of the General Maximum Price Regulation.

If two or more products could be chosen under the foregoing for purposes of comparison with the "related" product, then the one to be used shall be the one with total direct cost nearest to total direct cost of the "related product."

(b) *Maximum prices.* The maximum price of any "related" synthetic resin or plastic material or substitute rubber shall be the lesser of (1) the maximum price, or (2) the selling price in effect at the time of determining a maximum price hereunder to buyers of the same class, of the product selected for comparison under section 7 (a), adjusted by adding thereto or subtracting therefrom, as the case may be, the difference in the total direct cost between the "related" product being priced and the product chosen for comparison.

(c) *Definition of total direct cost.* "Total direct cost" shall mean the sum of the per unit direct labor and material cost of a synthetic resin or plastic material, or substitute rubber, computed on the basis of the following wage rates, material prices, and operating conditions:

(1) *Wage rates.* The applicable wage rate shall be no higher than the average wage rate in effect in the manufacturer's plant at the time of determining a maximum price hereunder for each class of labor involved in the production of a synthetic resin or plastic material or substitute rubber: *Provided,* That no wage rates subject to War Labor Board approval but not so approved shall be recognized in this computation.

(2) *Material costs.* The cost of any material used in a synthetic resin or

plastic material or substitute rubber shall be calculated as follows:

(1) If the manufacturer purchases such material, the lower of the following shall be taken:

(a) The maximum delivered price for the sale of the material to the manufacturer by his supplier, or

(b) Actual delivered purchase price.

(i) If the manufacturer himself produces a raw material which enters into the cost of the product to be priced hereunder, he shall use as the cost thereof the lowest price he charges f. o. b. his plant for such raw material on sales to other manufacturers of synthetic resins or plastic materials or substitute rubber or, in the absence of such sales, the lowest price f. o. b. supplier's plant he would have to pay for such raw material if he purchased it from another supplier.

(3) *Operating conditions.* Using the wage rates and material prices determined under (1) and (2), the manufacturer shall compute the cost per unit of direct labor and materials on the basis of actual volume of production in the case of a product used for comparison, and upon the basis of contemplated volume of production in the case of a product for which a maximum price is being determined hereunder.

(4) *Unusual development and manufacturing costs.* A manufacturer may submit in Appendix A, item A6 and the Administrator shall consider, unusual development and manufacturing costs to which the manufacturer is subject in producing a newly offered product. Such costs may be allowed wholly or in part in the computation of total direct costs when, in the Administrator's opinion, failure to so allow would impose a substantial hardship on the manufacturer.

(d) *Reports and adjustments of maximum prices.* Before offering a "related" synthetic resin or plastic material or substitute rubber for which a maximum price must be determined under this section, the manufacturer shall report its costs and proposed maximum price to the Office of Price Administration, Chemicals and Drugs Price Branch, Washington, D. C., on a form shown in Appendix A of this regulation. As soon as he has mailed such report, the manufacturer shall be entitled to offer the "related" synthetic resin or plastic material or substitute rubber for sale at the price specified in the report. For 20 days after the mailing of the report the maximum price reported shall, at the discretion of the Administrator, be subject to retroactive adjustment.

Unless notice of such adjustment is received by the manufacturer within the 20-day period, his proposed maximum price is automatically authorized, subject, however, to revision by the Administrator after 120 days from the time of mailing the report.

At any time within 6 months after the mailing of this initial report by the manufacturer, the Office of Price Administration may in writing require such manufacturer to submit the form shown in Appendix A with computations based

* 8 F.R. 11681, 12237.

* 8 F.R. 4132, 5987, 7662, 9998.

* 8 F.R. 263.

on typical production volume and experience during the preceding month of the manufacture of the product. This report must be mailed to the Office of Price Administration, Chemicals and Drugs Price Branch, Washington, D. C., within 30 days after mailing of such request. The Office of Price Administration may on the basis of the data submitted revise the maximum price for the product in question, notifying the manufacturer thereof in writing. Such new maximum price shall not be retroactive in effect.

The manufacturer may at his own election at any time within 6 months after the mailing of the initial report resubmit the form shown in Appendix A with computations based on a typical production volume and experience and on the basis of these data may ask the Administrator to revise the price authorized originally if the product was priced under sections 6, 7, 8, or 10 of this regulation. In such cases the Administrator shall consider the resubmitted data and may raise or lower the maximum price of the product as the case may be if, in his opinion, a substantial hardship has resulted because of an original underestimate, or, if the maximum price originally authorized is deemed to be too high because of an original overestimate.

SEC. 8. Maximum price for "nearly related" synthetic resins and plastic materials and substitute rubber—(a) Definition. A "nearly related" synthetic resin or plastic material or substitute rubber is one which is newly offered for sale and would be "related" to another synthetic resin or plastic material or substitute rubber under section 7, were it not for a variance in total direct cost of more than 25 per cent.

(b) **Maximum prices.** The maximum price of any "nearly related" synthetic resin or plastic material or substitute rubber shall be the total direct cost (computed as provided in section 7) for the "nearly related" product plus the percentage of mark up which the manufacturer obtains on the product which would be available for comparison (hereinafter referred to as the "comparison product") under section 7 were it not for the variance in total direct cost of more than 25 per cent.

(c) **Definition of percentage mark up over total direct cost.** The percentage mark up over total direct cost on the "comparison product" shall be computed in the following manner:

(1) Compute the total direct cost of the "comparison product" according to the method set forth in section 7.

(2) Ascertain the maximum price of the "comparison product" per unit.

(3) Compute the percentage mark up by subtracting the total direct cost determined under (1) from the maximum price determined under (2) and dividing the resulting figure by such total cost.

(d) **Reports and adjustments of maximum prices.** The provisions of section

7 (d) above shall be applicable to pricing under this section.

SEC. 9. Exclusion of "experimental" synthetic resins and plastic materials and substitute rubber—(a) Definitions: An "experimental" synthetic resin or plastic material or substitute rubber is one offered for sale on or after June 22, 1943, which has been made for test or experimental purposes. Such product shall cease to become an "experimental" product as soon as the producer thereof has sold in excess of \$2,500.00 worth in any period of 12 consecutive months.

(b) **Exclusion from maximum price regulation.** An "experimental" synthetic resin or plastic material or substitute rubber is not subject to this regulation or to the General Maximum Price Regulation.

SEC. 10. Maximum prices for synthetic resins and plastic materials and substitute rubber which are not subject to sections 5, 6, 7, 8, or 9—(a) Maximum prices. The maximum price for a synthetic resin or plastic material or substitute rubber which is not subject to the provisions of sections 5, 6, 7, 8, or 9 of this regulation shall be a price in line with the level of maximum prices established by this regulation, set forth in a letter signed by the Price Administrator, upon application of the manufacturer.

(b) **Applications and adjustments.** Prior to offering for sale any synthetic resin or plastic material or substitute rubber which is not subject to the provisions of sections 5, 6, 7, 8, or 9 of this regulation, the manufacturer shall submit to the Office of Price Administration, Chemicals and Drugs Price Branch, Washington, D. C., an application for a maximum price under this section stating why a maximum price cannot be determined under sections 5, 6, 7, or 8 together with the form shown in Appendix A filled out as completely as possible.

The applicant shall name a requested maximum price in such application and may sell and deliver the product at such price after the mailing of the application. The adjustment and subsequent report provisions set forth in section 7 (d) with reference to "related" products shall apply to the proposed price in the application under this section, with the following variation: On all such products the manufacturer shall submit a second form based on the third month of actual production such as that shown in Appendix A between the 90th and 105th day after mailing the initial application. (As to "related" products the second report is necessary only when the Office of Price Administration specifically requires it.)

SEC. 11. Fractions of a cent in establishing maximum prices under sections 7, 8, and 10. Maximum prices calculated under sections 7, 8, or 10 shall be calculated to the smallest fraction of a cent which is the custom of the manufacturer in pricing products in the same line.

SEC. 12. Discounts, allowances, and containers. All discounts, allowances, provisions for containers, practices with reference to the payment of transportation costs, and price differentials used for determining prices to purchasers of different classes, applicable to the synthetic resin or plastic material or substitute rubber by which the maximum price for the "same," "nearly the same," "related," or "nearly related" product was determined shall also apply to the product for which a maximum price is newly established.

SEC. 13. Special treatment for certain increases and reductions in cost. (a) If a raw material which is now selling below its maximum price enters into the computations of a price, and if later the raw material rises in price and in so rising causes a substantial hardship to the manufacturer who has computed his price based on the less than maximum price to him of the raw material, the Administrator shall give consideration to the increase in costs and may raise the maximum price of the product if, in his opinion, a substantial hardship has resulted.

(b) If the manufacturer of a synthetic resin or plastic material or substitute rubber is required by a War Production Board allocation order to substitute therein a raw material having a lower cost, and the product thus altered becomes "related" to the original product the manufacturer need not recalculate his maximum price in accordance with the method set forth in section 7 until sixty days after the effective date of the cost reduction, unless the reduction in total direct cost is more than a 10 per cent reduction, in which case the recalculation for the "related" product must be made under section 7 prior to its offer for sale.

Article III—Miscellaneous

SEC. 14. Records and reports—(a) Records. Every person making sales or purchases of a synthetic resin or plastic material or substitute rubber in lots of 50 pounds or more for which maximum prices are established by this regulation, after June 21, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date, the name and address of the buyer and the seller, the price contracted for or received, the quantity of each type and grade of synthetic resin or plastic material or substitute rubber purchased or sold, and the type and capacity of the container in which delivery was made. This requirement may be met by preservation of invoices containing the listed information for the required period of time.

In addition, manufacturers shall keep records for the same period of time showing the computation pursuant to which maximum prices were established under this regulation.

(b) *Additional reports and records.* The persons named in paragraph (a) shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by that paragraph as the Office of Price Administration may from time to time require.

SEC. 15. *Evasion.* Any practice which is a device to obtain the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, transactions with or through the agency of subsidiaries or affiliates, or the like.

SEC. 16. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Definitions.* (a) When used in this regulation, the term:

(1) "Manufacturer" means any person engaged in the manufacture or production of synthetic resins or plastic materials or substitute rubber, and all prices, prohibitions, obligations, or other limitations or duties specified, imposed, or required by this regulation shall apply to all persons affiliated with, subject to the control of, acting as agent for, or selling on the behalf of such manufacturer.

(2) "Purchaser (or buyer) of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(3) "Delivered." A synthetic resin or plastic material or substitute rubber shall be deemed to have been "delivered" during any period specified in this regulation if during such period it was physically received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(4) "Newly offered" means any synthetic resin or plastic material or substitute rubber, the chemical formula of which is different from any formula already priced by the same manufacturer under the General Maximum Price Regulation or this regulation.

(5) Synthetic resins or plastic materials shall include:

(i) Resins or plastic types as enumerated herein in all forms of condensation and polymerization in the forms of solids, semi-solids, granules, powders, emulsions or liquids. They are generally complex amorphous organic compounds to which fillers, plasticizers, extenders, lubricants, pigments, modifying chemi-

cals or liquids are frequently added. Such materials may be in extruded shapes, flat sheets (including continuous sheets), rods, tubes, blocks and pre-forms, before fabrication or printing.

Following are examples of the principal classes of resins and plastic materials covered by this regulation:

(a) *Phenolic type resins*, including reaction products of phenols, cresols, xylenols, or cresylic acid or any other alkyl or aryl substituted phenols, with an aldehyde such as formaldehyde, paraformaldehyde, or furfural, and cashew oil resins, in any stage of condensation, with or without modification with rosin, rosin esters, alcohols, oils or fatty acids.

(b) *Alkyd type resins*, including all reaction products of di- or polybasic acids with di- or polyhydric alcohols, with or without modification with an oil or fatty acid, in any stage of condensation.

(c) *Amine-aldehyde type resins*, including all reaction products of amines, such as urea, thiourea, melamine or aniline with formaldehyde, paraformaldehyde, etc., in any stage of combination or condensation, with or without further modification with alcohols, ethers, esters or hydrocarbons.

(d) *Coumarone-indene type resins*, including resins formed from either coumarone or indene or mixtures thereof—in any stage of polymerization—illustrative but not limiting are the "Paradene," "Cumar" and "Piccoumaron" resins.

(e) *Terpene resins*, including resins produced by oxidation or polymerization of alpha pinene, beta pinene, dipentene, or pine oil, in any stage of polymerization—illustrative but not limiting are the "Nypene" and "Piccolyte" resins.

(f) *Petroleum resins*, including resins obtained as residue of petroleum distillation, or by polymerization of olefins, diolefins or cyclo olefins—illustrative but not limiting are the "Vanadiset" and "Petropol" resins.

(g) *Acrylate and methacrylate type resins*, in all stages of polymerization.

(h) *Vinyl type resins*, including polyvinyl esters, ethers, formals, acetals, butyrals, chlorides, and alcohols in all stages of polymerization.

(i) *Vinylidene chloride type resins* in all stages of polymerization.

(j) *Styrene and styrene-homolog type resins* in all stages of polymerization.

(k) *Cellulose ethers and esters* such as cellulose nitrate (except cellulose nitrate of nitration greater than 12.5 per cent) cellulose acetate, cellulose aceto-butyrate, cellulose aceto propionate, cellulose triacetate, ethyl cellulose, methyl-cellulose, benzyl cellulose.

(l) *Lignin type resins*, including all resins or plastic materials derived from lignin.

(m) *Protein plastic materials* such as casein or isolated soy bean protein or zein in the hardened or non-hardened states in the forms of sheets, rods, tubes, and ribbons.

(n) *Esters of complex natural organic acids* such as rosin, with or without combination with di- or poly-basic acids, oils or fatty acids.

(o) *Sulfonamid-aldehyde type resins.*

(p) *Ion-exchange resins.*

(q) *Vulcanized fibre, laminated plastics* in the form of sheets, rods and tubes.

(r) *Mixtures or combinations (by addition or chemical reaction)* of a resin or plastic material or its reacting ingredients, with another resin or plastic material, or its reacting ingredients, of the same type, as outlined above (types a-q).

(s) *Mixtures or combinations (by addition or chemical reaction)*, of a resin or plastic material one type with another resin or plastic material of a different type, or with natural resins (types a-r).

(6) Synthetic resins or plastic materials shall not include:

(i) Plastic objects or parts that have been obtained by further processing of materials defined in this section paragraph (5) (i) above, i. e. by molding, forming, casting, blowing, or laminating under pressure and/or heat, or plastic objects or parts that have been produced therefrom by punching, stamping or other fabricating methods.

(ii) Ready-to-be-applied (with or without dilution or thinning) protective or decorative coating compositions intended to be used as such for application to wood, metal, masonry, stone or plastic surfaces; or compositions sold primarily as lacquer bases or dopes or any dispersion of pigments for use in the coating or printing industries.

(iii) Applied protective or decorative coating compositions.

(iv) Synthetic fibres; gummed tapes; X-ray, photographic or motion picture film.

(v) Synthetic rubber; which means, for the purpose of this regulation, a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(vi) Plastic pipe and plastic tubing manufactured from co-polymer vinyl and vinylidene chlorides commercially known as "Saran B-11."

[Subparagraph (vi) added by Am. 1, 8 F.R. 10825, effective 8-9-43]

(7) Substitute rubber shall include:

(i) Any substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

(ii) Such substances are included when they are in sheets, blocks or other shapes or forms in which they are customarily sold.

(8) Substitute rubber shall not include:

(i) Finished objects or parts that have been obtained by further processing or fabrication of materials included under paragraph (7), above, of this section.

(ii) Vulcanized vegetable oil, as defined in and covered by section 6.5 of Revised Supplementary Regulation 14.

(iii) Chemical derivatives of crude rubber or crude rubber-latex.

(iv) Synthetic rubber, as defined in paragraph 6 (v), above, of this section.

[Subparagraphs (7) and (8) added by Am. 2, effective 9-25-43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation shall apply to other terms used herein.

SEC. 18. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.¹⁰

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

Appendix A: Report Form.

OPA Form No. 692:326 Form Approved Budget Bureau No. 08-R266

Mail to
The Chemicals and Drugs Price Branch
Office of Price Administration
Washington, D. C.

Appendix A—Report form. *Manufacturer's report of proposed maximum price for synthetic resin or plastic material or substitute rubber*

(As required by MPR 406 when pricing under sections 7, 8, and 10. Terms in this form are defined in the regulation.)

Check whether:
 Related Nearly related Other

Company.....
Division.....
Address—Street and No.....
City and State.....
No. of product to be priced.....
Name of product to be priced.....

Date of Initial Sale of New Product: (a) Experimental (b) Regular.....
Brief Description and Use. Include name, number, chemical type, form and specification.

Product to be priced

Product used as pricing base

Lowest selling price to any class of buyer \$..... per

1. Quantity and class-of-customer differentials. List all proposed differentials for product to be priced; also for

¹⁰ 7 F.R. 8961; 8 F.R. 3313, 8533, 6178, 11806.

product used as pricing base. Use separate sheets if necessary.

2. *Transportation charges.* Show complete schedule for product to be priced and for product used as pricing base. Use separate sheets if necessary.

3. *Estimated monthly sales* (in total units, not dollars):

	Quantity	Unit
Product to be priced.....
(Sixth month after the date of this application)		
Product used as pricing base.....
(Second month before the date of this application)		

A. PRODUCT TO BE PRICED
A-1 Raw materials cost for 1 unit

Major raw materials	Quantity used	Cost per unit ¹	Total cost
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

¹ Cost per unit of raw material as defined in Regulation.

- A-2 Total raw materials cost for one (Unit)..... \$.....
- A-3 Direct labor cost..... \$.....
- A-4 Total direct cost (Sum of A-2 and A-3)..... \$.....
- A-5 Add whichever applicable; if pricing under:
 - Sect. 7—Item B-6..... \$.....
 - Sect. 8—Item B-8..... \$.....
 - Sect. 10—Insert requested markup..... \$.....
- A-6 Add costs for which hardship is claimed²..... \$.....
- A-7 Requested maximum price (Sum of A-4, A-5, and A-6)..... \$.....

² Instructions for Item A-6: Only unusual manufacturing costs or unusual development costs which impose substantial hardship on the manufacturer may be included. See section 7 (c) (4) MPR 406. Explain in detail on a separate sheet attached.

B. PRODUCT USED AS PRICING BASE
B-1 Raw materials cost for 1 unit

Major raw materials	Quantity used	Cost per unit ¹	Total cost
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

- B-2 Total raw materials cost for one (Unit)..... \$.....
- B-3 Direct labor cost..... \$.....
- B-4 Total direct cost (Sum of B-2 and B-3)..... \$.....
- B-5 Largest quantity maximum price..... \$.....
- B-6 B-5 minus B-4..... \$.....
- B-7 B-6 divided by B-4..... %.....
- B-8 B-7 multiplied by A-4..... \$.....

4. Identify below all other products of the same class, up to five in number which you manufacture and sell:

Trade name	Mnfrs. No.	Total direct costs	Maximum price, specify unit and quantity
.....
.....
.....
.....
.....

5. If pricing under Section 10, enter the following information as completely as possible; List three competing materials of the same class as the product to be priced which are being offered for sale by your competitors.

Trade name	Mnfrs. No.	Manufactured by	List price, specify unit and quantity
.....
.....
.....

Date:.....
Submitted by:.....
(Name)
.....
(Title)

This regulation shall become effective June 22, 1943.

[Issued June 16, 1943]

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

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15392; Filed, September 20, 1943; 3:25 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-6]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN MUSKOGEE COUNTY, OKLA.

In the judgment of the District Director of the Tulsa, Oklahoma, District Office, Region V of the Office of Price Administration, the prices of food and beverages sold for immediate consumption in Muskogee County, Oklahoma, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Tulsa, Oklahoma, District Office, Region V of the Office of Price Administration, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the District Director of the Tulsa, Oklahoma, District Office, gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order No. 9250, Executive Order No. 9328, and the Emergency Price Control Act of 1942, the District Director of the Tulsa, Oklahoma, District Office hereby issues this Restaurant Maximum Price Regulation No. 5-6, establishing as maximum prices for food and drink sold for immediate consumption in Muskogee County, Oklahoma, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.406 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the District Director of the Tulsa, Oklahoma, District Office, Region V of the Office of Price Administration, by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order

9328, and General Order No. 50 issued by the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, Restaurant Maximum Price Regulation No. 5-6 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is hereby issued.

AUTHORITY: § 1448.406 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 5-6—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.

1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943.
3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period.
4. How you figure your prices for seasonal items.
5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.
6. Substitution of food items in meals.
7. Prohibition against manipulation of meal offerings.
8. Evasion.
9. Rules for new proprietors.
10. Seasonal eating and drinking places.
11. Taxes.
12. Records.
13. Posting.
14. Operation of several places.
15. Relation to other maximum price regulations.
16. Geographical application.
17. Enforcement.
18. Exempt sales.
19. Adjustments.
20. Definitions and explanations.
21. Classes of food items and meals.
22. Special orders.
23. Registration and licensing.
24. Revocation and amendment.

SECTION 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943. Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four

weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4.

SEC. 4. How you figure your prices for seasonal items. First, determine your ceiling price for a "seasonal food item", defined in section 20 (e), in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item, provided that in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period. Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, *Provided* You first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged. The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 A Class 24 a.

Example 1. If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not

offer any other soup at a higher price than 15 cents.

Example 2. You served sirloin steak in March at \$1.50. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is \$1.50.

SEC. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

SEC. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. Evasion. (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchased by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the

base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve month period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period;

(5) Reducing the selection of meals offered at table d'hôte prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hôte price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hôte dinners at \$1.10, you may not now offer fish a la carte and refuse to offer it on a table d'hôte dinner priced at \$1.10.

Example 2. If you offered table d'hôte dinners during the base period at 85¢ to \$1.25 which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 65¢ to \$1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. Rules for new proprietors. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such condi-

tions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

SEC. 10. Seasonal eating and drinking places—(a) Exempt places. If you are the proprietor of a seasonal eating or drinking place that

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 percent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued;

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 22 of this Regulation. Pursuant to this latter section the administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3 and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the Tulsa, Oklahoma, District Office of the Office of Price Administration. Your application must be filed ten days prior to the date you plan to commence operations and present the following information.

(i) Your name and address

(ii) A brief description of your business and the manner of operation

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season

(iv) The date when you plan to commence operations.

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. Records. (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-day period.

(d) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), (General Order 50) except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. Posting. (a) Beginning September 16, 1943, each menu must have clearly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceiling prices are based on our highest prices from April 4, 1943, to

April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter on this sign or poster your ceiling price for each meal or food item appearing thereon.

SEC. 14. Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. Relation to other maximum price regulations. The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, in so far as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period¹ of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time. *Provided*, That this Restaurant Maximum Price Regulation No. 5-6 shall not apply to any commodity, the price of which is fixed by Tulsa Order No. G-1 under General Order No. 50 (Maximum Price Order affecting the sale of Domestic Malt Beverage—(beer or ale)—by eating or drinking places).

SEC. 16. Geographical application. This Restaurant Maximum Price Regulation No. 5-6 applies to the County of Muskogee in the State of Oklahoma.

SEC. 17. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. Exempt sales. Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated in connection with Church, Sunday School and other religious occasions or activities, except when such places are operated as a regular business.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers, (when operated as such) including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is

granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the Tulsa, Oklahoma, District Office of the Office of Price Administration a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered, (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,¹ and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section will be acted upon by the Tulsa, Oklahoma, District Office of the Office of Price Administration.

SEC. 20. Definitions and explanations.

(a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking

place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) "Eating or drinking place" means any place, establishment, business or location, whether temporary or permanent, stationary or movable, including but not limited to, a restaurant, hotel, cafe, cafeteria, boarding house, diner, coffee shop, tea room, private club, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any food items or meals are offered for sale or sold.

(g) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. Classes of food items and meals. (See definition of "food item" and "meal" contained in section 20).

A. *The classes of food items.*

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices
2. Cereals
3. Entrees: egg and combination egg dishes served at breakfast
4. Entrees: meat and meat combination dishes served at breakfast
5. Entrees: all other dishes served at breakfast
6. Bread, rolls, buns, Danish-pastries, etc., served at breakfast
7. All other breakfast dishes, including jams, jellies, and preserves

OTHER ITEMS

8. Appetizers, except alcoholic cocktails
9. Soups, including soups in jelly
10. Beef; steaks and roasts
11. Veal; steaks, chops and roasts
12. Pork; loin, chops, steaks, roasts
13. Lamb or mutton; chops, roasts
14. Poultry and fowl
15. Fish and shell-fish
16. Game
17. Miscellaneous and variety meats, including liver and kidneys
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes
22. Salads (except as served as a main course or appetizer course in a meal.)

¹In counting the number of persons served, any one who was served more than once is to be counted separately for each occasion he was served.

23. Desserts: cakes, cookies, pies, pastries and other baked goods
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
- 24a. Desserts: seasonal dessert specialties such as watermelon and cantaloupe.
25. Desserts: all others, including fruits, puddings and cheese
26. Cold sandwiches, including garnishings, salads and vegetables
27. Hot sandwiches, including garnishings, salads and vegetables
28. All other food items served in a meal including mints and preserves
29. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters, and cordials.

B. The classes of meals. For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items, or meal or meals sold or offered by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

SEC. 23. Registration and licensing. The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to all persons whose maximum prices are regulated by this regulation.

SEC. 24. Revocation and amendment. (a) This regulation may be amended, corrected, revised or revoked at any time. (b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with and acted upon by the Tulsa District Director.

This regulation shall become effective at 12:01 a. m., Central War Time, September 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, General Order 58, 8 F.R. 4808)

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.

Issued at Tulsa, Oklahoma, this the 8th day of September 1943.

BEN O. KIRKPATRICK,
District Director.

[F. R. Doc. 43-15393; Filed, September 20, 1943; 3:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,¹ Supp. Service Reg. 18]

REFUSING TO SUPPLY LOWER PRICED LAUNDRY OR DRY CLEANING SERVICES

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 18 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.* For the reasons set forth in that statement, the Price Administrator finds that the practices herein prohibited are evasive and manipulative and are equivalent to and likely to result in price increases inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. Under the authority vested in the Price Administrator by that Act, and particularly by sections 2 (d) and 2 (g) thereof, this Supplementary Service Regulation No. 18 is hereby issued.

§ 1499.670 *Refusing to supply lower priced laundry or dry cleaning services.*

(a) A laundry or dry cleaning establishment which discontinues a service that it offered in March 1942, and sells or offers to sell in its place a higher priced service, is evading the Emergency Price Control Act of 1942 as amended, and is violating Maximum Price Regulation No. 165. No laundry or dry cleaning establishment shall engage in such practice unless it appears that one or more of the following conditions exists:

(1) That specialized equipment or supplies requisite to a continuance of the particular service are not available; or

(2) That the continuance of the particular service would be in violation of a governmental order or regulation, or contrary to governmentally established standards; or

(3) That discontinuance of the particular service will enable the laundry or dry cleaning establishment to maintain other services more necessary to the community directly concerned; or

(4) That other suppliers in the community are able and willing to supply the requested service or a similar service in requisite amount and at prices not exceeding the ceiling price of the particular laundry or dry cleaning establishment.

(b) A laundry or dry cleaning establishment refusing to supply a service or services must, unless otherwise permitted to do so by a general permissive order, certify by registered mail, for which a return receipt has been requested, to the appropriate District Office of the Office of Price Administration the existence of one or more of the conditions stated in paragraph (a). Unless sufficient facts are given to support the certification, the request will be denied, and an opportunity given to the applicant to furnish additional evidence.

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

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

(c) Effective date on which a service may be discontinued under paragraph (a). Unless the Office of Price Administration or any authorized representative thereof shall, by notice mailed to the laundry or dry cleaning establishment within fifteen days from the date of its receipt of the certified statement, disapprove the laundry or dry cleaning establishment's request, the discontinuance of the service shall be deemed to have been approved.

(d) Delegation of authority. The appropriate District Office of the Office of Price Administration is hereby authorized to approve or disapprove any request made subject to paragraph (a) above and shall give written notice of its action to the laundry or dry cleaning establishment concerned. The District Office is also authorized to request the Appropriate War Price and Rationing Board to act in an advisory capacity.

(e) Definitions. As used in this Supplementary Regulation, the term:

(1) "Appropriate District Office of the Office of Price Administration" means the office of the district in which the laundry or dry cleaning establishment is located.

(2) "Appropriate war price and rationing board" means the war price and rationing board serving the community in which the laundry or dry cleaning establishment is located.

(3) "Service" means one of the types, forms, or grades of services offered for sale in March, 1942, or since, by a laundry or dry cleaning establishment, the description or price of which service was filed or was required to be filed by the establishment under Maximum Price Regulation No. 165 with the appropriate war price and rationing board.

This Supplementary Service Regulation No. 18 (§ 1499.670) shall become effective September 25, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15394; Filed, September 20, 1943; 3:25 p. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[2d Rev. MPR 13]

DOUGLAS FIR PLYWOOD

Revised Maximum Price Regulation 13 is redesignated Second Revised Maximum Price Regulation 13 and is revised and amended to read as set forth below.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. The grade specifications contained in this regulation have been in general use by the industry; moreover, they have

been established by the Department of Commerce. 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.*

§ 1413.1 *Maximum prices for Douglas fir plywood.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Second Revised Maximum Price Regulation No. 13 (Douglas Fir Plywood), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1413.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION
13—DOUGLAS FIR PLYWOOD

ARTICLE I—PROHIBITIONS AND SCOPE OF
REGULATION

Sec.

- 1 Sales of Douglas fir plywood at higher than maximum prices prohibited.
- 2 To what products and transactions this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

- 3 Maximum prices for direct-mill sales.
- 4 Maximum prices for plywood distribution plant sales.
- 5 Maximum prices for all other warehouse or yard sales of Douglas fir plywood.
- 6 Maximum prices for items not specifically priced.
- 7 What the invoice must contain.
- 8 Prohibited practices.
- 9 Adjustable pricing.

ARTICLE III—MISCELLANEOUS

- 10 Petitions for adjustment and amendment.
- 11 Records.
- 12 Enforcement and licensing.
- 13 Relation to other regulations.

ARTICLE IV—APPENDICES

- 14 Appendix A. Maximum prices: Moisture resistant plywood.
- 15 Appendix B. Maximum prices: Exterior type plywood.
- 16 Appendix C. Estimated average weights of plywood.

Article I—Prohibitions and Scope of Regulation

SECTION 1. *Sales of Douglas fir plywood at higher than maximum prices prohibited.* (a) Regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive Douglas fir plywood at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *To what products and transactions this regulation applies.*—(a) *Products.* This regulation covers sales of all grades and sizes of Douglas fir plywood.

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

wood. All the grade terms used in the regulation refer to the standards of the United States Department of Commerce, National Bureau of Standards, published in Commercial Standard CS45-42 (Douglas Fir Plywood, Domestic Grades), Fifth Edition, effective October 30, 1942.

(b) *Transactions.* This regulation covers all sales of Douglas fir plywood within the continental limits of the United States. The regulation divides sales into three kinds:

- (1) Direct mill sales;
- (2) Plywood distribution plant sales;
- (3) All other warehouse and yard sales.

(i) *"Direct mill sale"*. A "direct mill sale" is a sale in which the shipment of plywood originates at a plywood mill no matter who the seller is, and no matter whether he usually is known as a mill operator, wholesaler, retailer, distributor, or anything else. A shipment is regarded as originating at a mill if the plywood reaches the purchaser without becoming an integral part of the stock of a distribution warehouse or yard. For example, if a distribution warehouse takes an order from an aircraft factory, and then obtains the plywood from a mill, puts it in the warehouse, and delivers it as needed, the sale is a direct mill sale since the plywood never became an integral part of the stock of the warehouse.

(ii) *"Plywood distribution plant sale"*. A "plywood distribution plant sale", is either of the following types of sales:

(a) Any sale by a plywood distribution plant of plywood in its regular stock at the time of sale is a "plywood distribution plant sale".

A plywood distribution plant is a wholesale or retail warehouse or yard which does not process plywood from Douglas fir peeler logs and which during the first six months of 1941 received more than 20 percent of its dollar income from sales of plywood or veneer of any kind.

(b) Any sale by a warehouse or yard to another warehouse or yard of plywood in warehouse or yard inventory at the time of sale is considered a "plywood distribution plant sale".

(iii) *Sales included under "all other warehouse or yard sales"*. The term "all other warehouse or yard sales" covers any sale of Douglas fir plywood which is not a direct-mill sale or a plywood distribution plant sale.

Article II—Maximum Prices and Terms of Sale

SEC. 3. *Maximum prices for direct mill sales*—(a) *Maximum f. o. b. mill prices for direct mill sales.* The maximum prices, f. o. b. mill, for direct mill sales of Douglas fir plywood are set out in Appendices A and B (Secs. 14 and 15) of this regulation. For the purposes of this regulation, 38,000 pounds is consid-

ered a minimum carload. If either Douglas fir doors or Douglas fir millwork, or both; are included in a car with one or more grades or sizes of Douglas fir plywood, they must be included in figuring the total weight of the shipment.

The less-than-carload f. o. b. mill price for direct mill shipments may be charged only when the shipment leaves the mill as a less-than-carload shipment on which the less-than-carload rate of freight is paid.

(b) *Maximum delivered prices for direct mill sales.* The maximum delivered price for direct mill sales is the maximum f. o. b. mill price plus a charge for delivery to the purchaser figured under the rules in the next paragraph.

(c) *How to figure charges for delivery*—(1) *Common or contract carrier.* When delivery is by common or contract carrier, the estimated average weights in Appendix C (section 16) of this regulation may be applied to the Seattle freight rate in figuring the allowable charge for delivery; except that in sales in the primary market the addition for delivery shall be computed at a rate of 10½ cents per hundred pounds.

"The primary market" is that portion of the states of Oregon and Washington west of the crest of the Cascade Mountains.

In any case where the appropriate rate of freight as defined in this Section does not apply, the actual amount paid the carrier may be added.

(2) *Private truck.* When delivery is by truck owned or controlled by the seller, the actual cost of delivery may be added; except that in no case may this addition exceed 80 percent of the common carrier truck rate for the same shipment.

(3) *Rounding out to the nearest nickel.* The charge for delivery may be evened out to the nearest nickel per 1,000 square feet.

(d) *Addition for storage in transit.* When a distribution warehouse or yard sells plywood that it does not already have in stock, and then, instead of shipping it directly from the mill to the buyer, stores it in its warehouse or yard and delivers it to the buyer as he calls for it, in quantities less than the total order, the distributor may add \$3.00 per 1,000 square feet to the maximum price of 50 much of the plywood as is actually stored. (Note that the sale is still a direct mill sale.)

This addition may not be made when the distributor merely reloads plywood at the warehouse or yard, or handles and stores it no more than is necessary in a normal case where the distributor receives a mill shipment, reloads it, and delivers it to the buyer.

SEC. 4. *Maximum prices for plywood distribution plant sales*—(a) *Maximum prices for plywood at the plywood distribution plant.* The maximum price, f. o. b. plywood distribution plant, for

plywood distribution plant sales is the sum of the following three items:

Item I. The maximum carload f. o. b. mill price for direct mill sales.

Item II. The inbound transportation charge, including tax, to the plywood distribution plant based on the applicable carload freight rate from Seattle, Washington, and the appropriate estimated average weights set out in Appendix C (section 16) of this regulation. The incoming transportation charge may be rounded out to the nearest nickel per 1,000 square feet.

Item III. A markup of 20 percent on the sum of Items I and II; or if the distribution plant sale involves less than \$200.00 worth of Douglas fir plywood, a markup of 25 percent on the sum of Items I and II. This markup may be rounded out to the nearest nickel per 1,000 square feet.

(b) *Maximum delivered prices for plywood distribution plant sales—(1) Delivery within a free delivery zone.* If the buyer requests delivery within a free delivery zone which the seller recognized during March 1942, the seller cannot charge for making the delivery.

(2) *Delivery outside free delivery zones.* If the buyer requests delivery outside the free delivery zones which the seller recognized during March 1942, the seller can charge for delivery (outbound freight) according to the same rules as those applying to delivery charges on direct-mill sales. (See the preceding section 3 (c) *How to figure charges for delivery.*)

(c) *Example of calculating the maximum price for a plywood distribution plant sale.* An example of the correct application of this section is as follows:

The buyer has ordered 10,000 square feet of plywall, 5/16" 3 ply S2S to 1/4". The plywood distribution plant is in Baltimore, Maryland, and the plywall is delivered by rail out of the regular stock of the distribution plant to a buyer located on a rail siding in Washington, D. C. Washington is outside the free delivery zones which the seller recognized in March 1942.

	Per M square feet
<i>Item I.</i> F. o. b. mill price for direct mill shipment of a carload (established in Appendix A).....	\$33. 00
<i>Item II.</i> Inbound transportation (94½¢ rate (carload) × 790 (estimated weight)), evened to nearest 5¢, plus tax.....	7. 73
<i>Item III.</i> Markup (20 percent of items I and II on sales over \$200.00), rounded out to the nearest 5¢.....	8. 15
Maximum price at the Baltimore plywood distribution plant.....	\$48. 88
<i>Item IV.</i> L. C. L. rail freight from Baltimore to Washington (which is outside the seller's free delivery zones) (26¢ rate (L. C. L.) × 790 (estimated weight)), evened to nearest 5¢, plus tax.....	2. 11
Maximum price delivered to purchaser in Washington.....	\$50. 99

(d) *Special deduction for pick-up by retail and wholesale lumber yards.* When a retail or wholesale lumber yard buys plywood in a plywood distribution plant sale and picks up the plywood at

the distribution plant, the maximum prices established in this section must be reduced as follows:

Thickness of plywood:	Deduction per M sq. ft.
¼".....	\$1. 00
⅜" and thicker.....	2. 00

Sec. 5. Maximum prices for all other warehouse or yard sales of Douglas fir plywood. The maximum price for all other warehouse or yard sales of plywood is to be computed in the same manner as the ceiling price for plywood distribution plant sales, except that two changes are to be made in figuring the ceiling price:

(a) Inbound transportation charges are to be figured on the basis of the location of the warehouse or yard (rather than the location of a plywood distribution plant). This means that inbound transportation in all cases is to be figured at the carload freight rate for a shipment direct from the mill to the warehouse or yard (regardless of whether the warehouse or yard purchased in less than carload quantities from a mill or purchased from a plywood distribution plant or another warehouse or yard).

(b) The mark-up on the sum of the carload f. o. b. mill price (for direct-mill shipments) and inbound carload freight (figured according to paragraph (a) above) shall be not more than 33⅓ percent in sales of 1,000 square feet or more of Douglas fir plywood, or 45 percent in sales of less than 1,000 square feet of Douglas fir plywood.

Sec. 6. Maximum prices for items not specifically priced. This section provides pricing methods for any items of Douglas fir plywood not specifically priced in Appendices A and B (sections 14 and 15).

(a) *Pricing method (except for cut-backs, rejects, and plywood from short length veneers).* The maximum price is a price which bears the March 1941 relation to the price of the most closely related item which is specifically priced in Appendices A or B (sections 14 and 15). The producing mill must send to the Office of Price Administration, Washington, D. C., a complete description of the specifications, the purchaser's name, points of origin and delivery, the price and the way in which the price was calculated. The price may be ordered reduced, if found excessive. But if it is not disapproved within 30 days of receipt of the report, it is approved. A seller using this pricing method may make delivery and collect the price he has computed. However, the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, the seller must refund any excess over the final approved price.

(b) *Pricing method for cut-backs, rejects, and plywood from short length veneers.* This paragraph (b) applies to plywood which has been rejected by grading process, reclaimed plywood of odd sizes developed by cutting back rejects, and plywood produced from short length veneers developed because of de-

fects in logs. The maximum price is as follows:

The price per thousand feet specified in Appendices A or B for the grade and thickness in the size next lower than the developed size. Where, as in the case of plywall, plyscord, and plyform, the price tables do not carry differentials down to a 24" width, the differentials established for plypanel Sound Two Sides shall be used. For example, if a piece of 5/16" plyscord in a 28" width is developed, the price of \$29.70 must be reduced by \$1.10, since in 5/16" plypanel the differential between 36" width, which is the narrowest plyscord size, and 24" width is \$1.10. Similarly, for 5/16" plywall in a width of 40" the price would be \$33.00 less \$2.05, since that is the differential between 48" width and 36" width, which is the next narrower width in 5/16" plypanel. For rejects in widths of 24 inches and lower, the 24-inch standard width price shall apply as a yardstick.

Sec. 7. What the invoice must contain. All invoices must contain a sufficiently complete description of the plywood to show whether the price is proper or not. Any specification or extra which affects the maximum price must be mentioned in the description. The invoice must show separately the type of sale, that is, direct mill, plywood distribution plant or "other warehouse or yard sale"; transportation charges, including the rate, origin and destination of the shipment; and any additions for storage in transit.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

Sec. 8. Prohibited practices. Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices, and the like.

Sec. 9. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administration to whom

the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Article III—Miscellaneous

SEC. 10. Applications for adjustment and petitions for amendment—(a) Government contracts. (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatens to impede production of Douglas fir plywood which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,¹ issued by the Office of Price Administration.

(b) Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administration.

SEC. 11. Records. All sellers must keep records which will show a complete description of the items of plywood sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 38,000 pounds or more of Douglas fir plywood. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

SEC. 12. Enforcement and licensing. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) War procurement agencies and their contracting or paying finances officers are not subject to any liability,

civil or criminal, imposed by this regulation. Such agencies are nevertheless subject to this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(c) All sellers under this regulation, except mills, have been licensed by Supplementary Order 18.³ This order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

SEC. 13. Relation to other regulations—(a) General Maximum Price Regulation. Any sale or delivery covered by this Second Revised Maximum Price Regulation No. 13 is not subject to the General Maximum Price Regulation;⁴ except that sales, purchases and deliveries of commodities covered by this regulation which originate outside of and are imported into the continental United States are governed by the provisions of the General Maximum Price Regulation, and especially the Maximum Import Price Regulation.⁵

(b) Second Revised Maximum Export Price Regulation. The maximum price for export sales of Douglas fir plywood is governed by the Second Revised Maximum Export Price Regulation.⁶

Article IV—Appendices

SEC. 14. Appendix A: Maximum prices: moisture resistant plywood.—(a) Basic prices. The maximum prices, f.o.b. mill, for direct-mill sales of moisture-resistant type Douglas fir plywood, manufactured in accordance with the provisions in Limitation Order L-150, as amended June 9, 1943, shall be as follows:

(1) Plyscord (Douglas Fir Plywood Sheathing). (i) Maximum prices for plyscord in widths of 36" and 48" and in lengths of 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply, rough.....	\$29.70	\$30.90
3/8" 3 ply, rough.....	35.20	36.80
1/2" 3 or 5 ply at mill's option, rough..	46.35	49.15
5/8" 3 or 5 ply at mill's option, rough..	57.50	61.20

³ 7 F.R. 7240, 11007.

⁴ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

⁵ 8 F.R. 11681, 12237.

⁶ 8 F.R. 4132, 5987, 7662, 9998.

¹ 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

(ii) Long standard lengths. For panels in widths of 36" and 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

- \$5.80 per M sq. ft. for 9' lengths.
- \$8.80 per M sq. ft. for 10' lengths.
- \$14.60 per M sq. ft. for 11' lengths.
- \$17.60 per M sq. ft. for 12' lengths.

(2) Plywall (Douglas Fir Plywood Wallboard). (i) Maximum prices for plywall in widths of 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply S2S to 1/4".....	\$33.00	\$34.80
3/8" 3 ply S2S to 5/8".....	44.55	47.20
5/16" 5 ply S2S to 1/2".....	59.95	63.95
1/4" studding strips (per M lineal feet).....	5.85	5.85

(ii) Long standard lengths. For panels in widths of 48" and in lengths of 9', 10', 11', and 12', the following additional charges may be made:

- \$5.80 per M sq. ft. for 9' lengths.
- \$8.80 per M sq. ft. for 10' lengths.
- \$14.60 per M sq. ft. for 11' lengths.
- \$17.60 per M sq. ft. for 12' lengths.

(3) Plyform (Douglas Fir Plywood Concrete Form Panels). (i) Maximum prices for plyform in widths of 36" and 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16" 3 ply S2S to 1/4" (Form liners).....	\$48.40	\$51.70
3/8" 5 ply S2S to 1/2".....	83.70	91.45
5/8" 5 ply S2S to 3/4".....	89.55	97.90
1 1/8" 5 ply S2S to 3/4".....	94.05	102.45
1 3/8" 5 ply S2S to 3/4".....	103.75	113.35

(ii) Oiled faces. For plyform with oiled faces, a charge not to exceed \$1.10 per M sq. ft. may be added.

(iii) Wide width. Add to the maximum price for 48" widths:

- \$8.80 per M sq. ft. for 60" widths.

(iv) Long lengths. Add to the maximum price for 96" lengths:

- \$5.80 for M sq. ft. for 9' lengths.
- \$8.80 per M sq. ft. for 10' lengths.
- \$14.60 per M sq. ft. for 11' lengths.
- \$17.60 per M sq. ft. for 12' lengths.

(4) Automobile and Industrial Plywood—Rough Panels. (i) Maximum prices for automobile and industrial plywood—rough panels in widths of 12" to 48" in even 2" breaks and in lengths of 48", 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
1/4" rough, 3 ply, sizes up to 48" x 96"	\$32.10	\$35.15
5/16" rough, 3 ply, sizes up to 48" x 96"	32.10	35.15
3/8" rough, 3 ply, sizes up to 48" x 96"	38.50	42.35
1/2" rough, 5 ply, sizes up to 48" x 96"	53.70	58.75
5/16" rough, 5 ply, sizes up to 48" x 96"	59.15	64.80
3/8" rough, 5 ply, sizes up to 48" x 96"	64.65	70.80
1/2" rough, 5 ply, sizes up to 48" x 96"	70.05	76.80
3/4" rough, 5 ply, sizes up to 48" x 96"	75.50	82.70
7/8" rough, 5 ply, sizes up to 48" x 96"	86.45	94.65
1" rough, 7 ply, sizes up to 48" x 96"	90.55	99.10

(ii) *Wide widths.* Add to the maximum price for 48" widths:

Over 48" to 60", inclusive..... Per M sq. ft. \$8.80

(iii) *Long lengths.* Add to the maximum price for 96" lengths:

Over 96" to 108", inclusive..... Per M sq. ft. \$5.80
 Over 108" to 120", inclusive..... 8.80
 Over 120" to 132", inclusive..... 14.60
 Over 132" to 144", inclusive..... 17.60

(5) *Plypanel—Sound 1 Side.* (i) Maximum prices for plypanel—Sound 1 side in widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
3/16" 3 ply S2S to 1/8" or 1/4"—3 ply S2S to 3/16":		
24" width.....	\$36.45	\$40.00
30" and 36" width.....	37.55	41.05
48" width.....	39.60	43.30
5/16" 3 ply S2S to 1/4":		
24" width.....	32.60	36.15
30" and 36" width.....	33.70	37.20
48" width.....	35.75	39.45
7/16" 3 ply S2S to 3/8":		
24" width.....	44.85	49.45
30" and 36" width.....	45.85	50.55
48" width.....	47.90	52.75
9/16" 5 ply S2S to 1/2":		
24" width.....	62.10	68.25
30" and 36" width.....	63.10	69.30
48" width.....	65.10	71.60
1 1/16" 5 ply S2S to 5/8":		
24" width.....	74.20	81.55
30" and 36" width.....	75.25	82.65
48" width.....	77.20	84.85
1 3/16" 5 ply S2S to 3/4":		
24" width.....	84.45	92.70
30" and 36" width.....	85.35	93.70
48" width.....	87.35	96.00

(ii) *Wide width.* Add to the maximum price for 48" widths:

\$8.80 per M sq. ft. for 60" widths.

(iii) *Long lengths.* Add to the maximum price for 96" lengths:

\$5.80 per M sq. ft. for 9' lengths.
 \$8.80 per M sq. ft. for 10' lengths.

No. 188—5

\$14.60 per M sq. ft. for 11' lengths.
 \$17.60 per M sq. ft. for 12' lengths.

(6) *Plypanel—Sound 2 Sides—(i) Maximum prices for plypanels—Sound 2 sides in widths of 24", 30", 36", and 48" and in lengths of 60", 72", 84", and 96":*

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
3/16" 3 ply S2S to 1/8" or 1/4"—3 ply S2S to 3/16":		
24" width.....	\$39.20	\$42.75
30" and 36" width.....	40.30	43.80
48" width.....	42.35	46.05
5/16" 3 ply S2S to 1/4":		
24" width.....	35.35	38.90
30" and 36" width.....	36.45	39.95
48" width.....	38.50	42.20
7/16" 3 ply S2S to 3/8":		
24" width.....	47.60	52.20
30" and 36" width.....	48.60	53.30
48" width.....	50.65	55.50
9/16" 5 ply S2S to 1/2":		
24" width.....	64.85	71.00
30" and 36" width.....	65.85	72.05
48" width.....	67.85	74.35
1 1/16" 5 ply S2S to 5/8":		
24" width.....	76.95	84.30
30" and 36" width.....	78.00	85.40
48" width.....	79.95	87.60
1 3/16" 5 ply S2S to 3/4":		
24" width.....	87.20	95.45
30" and 36" width.....	88.10	96.45
48" width.....	90.10	98.75

(ii) *Wide width.* Add to the maximum price for 48" widths:

\$8.80 per M sq. ft. for 60" widths.

(iii) *Long lengths.* Add to the maximum price for 96" lengths:

\$5.80 per M sq. ft. for 9' lengths.
 \$8.80 per M sq. ft. for 10' lengths.
 \$14.60 per M sq. ft. for 11' lengths.
 \$17.60 per M sq. ft. for 12' lengths.

(7) *Door Panels—Sound 2 Sides—(i) Maximum prices for door panels—Sound 2 sides in widths of 22", 24", 26", 28", 30", 36", and 48" and in lengths of 60", 72", 84" and 96":* (All sizes to be figured on actual surface measure furnished).

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
3/16" 3 ply S2S to 1/4":		
22" and 24" width.....	\$35.35	\$38.90
26", 28", 30" and 36" width.....	36.45	39.95
48" width.....	38.50	42.20

(b) *Special extras.* The following additions to the maximum price established in paragraph (a) of this section may be made for the specified special extras:

(1) *Selected sound cores and cross-bands:*

\$2.75 per M sq. ft. for 3 ply.
 \$8.25 per M sq. ft. for 5 ply.
 \$13.75 per M sq. ft. for 7 ply.

(2) *Core stock:* (In lengths not over 48") Add to maximum price for sound 2 sides or sound 1 side in 48" widths:

\$11.00 per M sq. ft. for widths up to 96".
 \$16.50 per M sq. ft. for widths up to 108".
 \$22.00 per M sq. ft. for widths up to 120".
 \$27.50 per M sq. ft. for widths up to 132".
 \$33.00 per M sq. ft. for widths up to 144".

(3) *Redrying:*

\$3.30 per M sq. ft. (No addition for 1/8" or 3/16" sanded panels).

(4) *Special gluing specifications:*

\$5.50 per M sq. ft. for 3 ply.
 \$11.00 per M sq. ft. for 5 ply.
 \$16.50 per M sq. ft. for 7 ply.

NOTE: This shall include all special glue specifications and assembly requirements.

(5) *Treating panels with waterproofing agent (oiling):*

\$2.75 per M sq. ft. (This addition may not be made for Plyform.)

(6) *Treating panels with edge sealer:*

\$1.10 per M sq. ft. (This addition may not be made for Plyform.)

(7) *Treating panels with resin sealer (one or two sides):*

\$11.55 per M. sq. ft.

(8) *Bundling in paper packing:*

\$0.40 per 1/16" in thickness per M sq. ft.

(9) *Wire or twine bundling:*

\$0.55 per M sq. ft. for small cut-to-size panels, 3 ply (containing less than 9 sq. ft. per panel) tied with either twine or wire. \$1.10 per M sq. ft. for small cut-to-size panels, 5 ply or heavier (containing less than 9 sq. ft. per panel) tied with either twine or wire.

(10) *Segregating and/or lot-marking on car of two or more lots:*

\$2.75 per lot for each lot over one.

(c) *Deduction for unsanded stock.* The following deduction from the maximum prices for moisture resistant type Douglas fir plywood stated in paragraph (a) of this section shall be made for unsanded stock in grades other than ply-scord and automobile and industrial plywood:

Deduct \$1.25 per M sq. ft. from the maximum price for the thickness to which the panel would regularly be sanded.

SEC. 15. *Appendix B—Maximum prices exterior type plywood—(a) Basic prices.* The maximum prices, f. o. b. mill, for direct-mill sales of exterior type Douglas fir plywood manufactured in accordance with the provisions in Limitation Order L-150, as amended June 9, 1943, in widths of 1' to 48" in even 2" breaks and in

lengths of 96" and shorter shall be as follows:

	Per M sq. ft. in carload lots, f. o. b. mill		
	Sound 2 sides	Industrial grade	Sound 1 side
3/4" sanded, 3/16" unsanded.....	\$52.25	\$50.05	\$47.85
3/4" sanded, 1/4" unsanded.....	53.25	51.15	48.95
3/4" sanded, 5/16" unsanded.....	60.50	58.30	56.10
3/4" sanded, 3/8" unsanded.....	67.10	64.90	62.70
3/4" sanded, 7/16" unsanded.....	89.65	86.90	84.15
3/4" sanded, 1/2" unsanded.....	96.80	94.60	92.40
3/4" sanded, 5/8" unsanded.....	104.50	102.85	100.65
3/4" sanded, 1 1/16" unsanded.....	113.85	111.65	109.45
1 1/8" sanded, 3/4" unsanded.....	123.20	121.00	118.25
1 1/8" sanded, 1 1/16" unsanded.....	133.10	130.90	128.70
1 1/8" sanded, 7/8" unsanded.....	157.30	154.55	152.35
1 1/8" sanded, 1 1/8" unsanded.....	167.20	164.45	161.70
1 1/8" sanded, 1" unsanded.....	176.55	174.35	172.15
1 1/8" sanded, 1 1/16" unsanded.....	187.55	184.80	182.60
1 1/8" sanded, 1 1/4" unsanded.....	198.00	195.80	193.60
1 1/8" sanded, 1 3/8" unsanded.....	209.55	206.80	204.05

(b) *Special extras.* The following additions to the maximum prices established in paragraph (a) of this section may be made for the specified special extras:

(1) *Wide widths:* Add to maximum price for 48" widths:

	Per M sq. ft.
Over 48" to 60", inclusive, sanded or unsanded.....	\$8.95
Over 60" to 72", inclusive, sanded or unsanded.....	12.00
Over 72" to 84", inclusive, unsanded only.....	17.95
Over 84" to 96", inclusive, unsanded only.....	26.95
Up to 96" wide where length is not more than 48".....	6.00

(2) *Long lengths:* Add to the maximum price for 96" lengths:

	Per M sq. ft.
Over 96" to 108", inclusive, sanded or unsanded.....	\$6.00
Over 108" to 120", inclusive, sanded or unsanded.....	8.95
Over 120" to 132", inclusive, sanded or unsanded.....	14.95
Over 132" to 144", inclusive, sanded or unsanded.....	17.95
Over 144" to 156", inclusive, sanded or unsanded.....	47.85
Over 156" to 168", inclusive, sanded or unsanded.....	59.85
Over 168" to 180", inclusive, sanded or unsanded.....	71.70
Over 180" to 192", inclusive, sanded or unsanded.....	83.70
Over 192" to 216", inclusive, sanded or unsanded.....	107.70
Over 216" to 288", inclusive, sanded or unsanded.....	119.70
Over 288" to 360", inclusive, sanded or unsanded.....	150.00

Per M sq. ft.
 Over 360" to 480", inclusive, sanded or unsanded..... \$175.00
 Over 480" to 600", inclusive, sanded or unsanded..... 200.00

(3) *Treating panels with waterproofing agent (oiling) 1*
 \$3.05 per M sq. ft.

(4) *Treating panels with resin sealer 1*
 \$8.95 per M sq. ft.

(5) *Bundling in paper packing:*
 \$0.45 per 1/16" in thickness per M sq. ft.

(6) *Bundling: carton packed, steel strapped:*
 \$0.70 per 1/16" in thickness per M sq. ft.

(7) *Sizes containing less than one square foot:*

10 percent of the maximum price stated in paragraph (a) of this section.

SEC. 16. *Appendix C: Estimated average weights of plywood.* Estimated average weights no higher than the following may be used in figuring delivery charges:

	Pounds per M surface feet
1/8".....	490
3/16".....	640
1/4".....	790
5/16".....	950
3/8".....	1,125
7/16".....	1,300
1/2".....	1,525
9/16".....	1,675
5/8".....	1,825
1 1/16".....	2,000
3/4".....	2,225
13/16".....	2,375
7/8".....	2,600
15/16".....	2,800
1".....	3,000
1 1/16".....	3,175
1 1/8".....	3,350

For thicknesses greater than 1 1/8", use 1" weight plus weight of other thicknesses necessary.

	Pounds per M surface feet
1/4" Studding strips.....	150

This regulation shall become effective September 27, 1943.

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

Issued this 21st day of September 1943.

CHESTER BOWLES,
 Acting Administrator.

[F. R. Doc. 43-15417; Filed, September 21, 1943; 12:12 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 397, 1 Amdt. 4]

FLAXSEED

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

Maximum Price Regulation 397 is amended in the following respects:

1. Section 5 (a) (5) is amended to read as follows:

(5) At interior rail points in Area B, on track, in carload quantities, the maximum price at that terminal basing point mentioned in subparagraph (1) of paragraph (a) of this section which less the lowest carload local all-rail rate per bushel from said interior rail point to said terminal basing point and less 3 cents per bushel handling charges at said terminal basing point will give the highest maximum price at said interior rail point; and, where the flaxseed is sold at such an interior point accompanied by transit billing useable beyond said point, plus the value of said transit billing.

2. Section 5 (a) (9) and (10) are added to read as follows:

(9) The provisions of subparagraphs (3) and (8) of paragraph (a) of this section shall have no application to any flaxseed not grown in Area C.

(10) The maximum price for the sale at any point in Area C of flaxseed not grown in Area C shall be the appropriate maximum price at the point in another area where such flaxseed is loaded for shipment into Area C plus transportation charges at the lowest carload flat all rail rate from said point to the place of sale and delivery in Area C.

This amendment shall become effective September 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of September 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-15388; Filed, September 20, 1943; 3:29 p. m.]

*Copies may be obtained from the Office of Price Administration.
 18 F.R. 6840, 7392, 10757.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 4—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

Part 4, Chapter 1, Title 34, is hereby amended and revised to read as follows:

GENERAL

- Sec.
4.1 No provision for traveling expenses of rejected candidates for appointment as midshipman; entrance fee.
4.2 Preliminary physical examination for candidates.
4.3 General qualifications of candidates.
4.4 Selection of candidates by Members of Congress; by Secretary of the Navy.
4.5 Residence of candidates.
4.6 Inquiries relative to appointments and competitive examinations should be addressed to members of Congress.

NOMINATION AND APPOINTMENTS

- 4.8 Nomenclature.
4.9 Allowance of nominations.
4.10 Additional appointments.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

- 4.11 Course of instruction.
4.12 Disposition after graduation.

AGE, CITIZENSHIP, MORAL REQUIREMENTS; MARRIAGE

- 4.13 Age limits of graduates; citizenship.
4.14 Moral character of candidates.
4.15 Marital status of candidates.

METHODS OF ADMISSION

- 4.16 When candidates may be mentally examined.
4.17 When alternates may be mentally examined.
4.18 Time and place of examination.
4.19 Separate methods for mental qualifications.
4.20 Limitations upon competitive candidates for appointment.
4.21 Review work where candidate has failed.
4.22 Number of alternates.
4.23 Examination of candidates by certificate and substantiating examination.
4.24 Preparation of examination papers.
4.25 Limitation upon reexamination.
4.26 Requirements for second examination.
4.27 Waiver of mental examination upon reappointment.
4.28 Correspondence relative to examinations.
4.29 When successful candidates must enter Naval Academy.
4.30 No annual leave granted first year students.
4.31 Physical examinations; where and by whom.

PHYSICAL REQUIREMENTS

- 4.32 General physical requirements for admission.
4.33 Disqualifying defects.
4.34 Specific physical requirements for admission.

MENTAL REQUIREMENTS

- 4.35 General mental requirements for admission.
4.36 Specific mental requirements for admission; English composition and literature.
4.37 Specific mental requirements for admission; United States History.
4.38 Specific mental requirements for admission; algebra.

- Sec.
4.39 Specific mental requirements for admission; plane and solid geometry.
4.40 Specific mental requirements for admission; physics.
4.41 Specific mental requirements for admission; chemistry.
4.42 Regular mental examination for admission; time schedule.

CERTIFICATE METHODS OF ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

- 4.44 Privilege of certificate methods of admission.
4.45 When substantiation is required, and time schedule of substantiating examinations.
4.46 Scope of substantiating examination.
4.48 Certificates may be submitted prior to graduation from secondary school.
4.49 Decision as to which examination candidate will take.
4.50 Substantiating examination; time schedule.
4.51 Subject weights of units.
4.52 Definition of unit.
4.53 Definition of subjects and weights; mathematics.
4.54 Definition of subjects and weights; English composition and literature.
4.55 Definition of subjects and weights; history.
4.56 Definition of subjects and weights; physics.
4.57 Definition of subjects and weights; chemistry.

CERTIFICATE METHODS OF ADMISSION; BASED ON CERTIFICATE ONLY

- 4.58 When admission is based on certificate only.
4.59 Evaluation of courses.
4.60 Length of college attendance.
4.61 Certificate method does not affect requirements as to age and appointment.
4.62 Accredited colleges, universities, and technical schools.
4.63 Requirements of candidates for admission by qualifying certificates.

ENTRANCE PROCEDURE AND EQUIPMENT

- 4.64 Entrance procedure.
4.65 Course of training; standing in class.
4.66 Pay of midshipmen.
4.67 Personal effects midshipmen are required to possess.
4.68 Deposit required.
4.69 Credit allowed for uniforms, clothing and textbooks.
4.70 Necessity for credit.
4.71 Mileage allowance of midshipmen on appointment.

APPOINTMENT OF ENLISTED MEN

- 4.101 Congressional appointments.
4.102 Entrance requirements.
4.104 Preliminary examinations of men nominated for the Naval Academy Preparatory School.
4.106 Naval Academy Preparatory School.
4.107 Procedure for men not eligible for the preparatory school but eligible to take the entrance examinations.

AUTHORITY: §§ 4.1 to 4.71, inclusive, issued under R.S. 1547, 1511-1528 as amended; 34 U.S.C. 591, 1021-1120.

NOTE: In §§ 4.1 to 4.71, inclusive, the numbers to the right of the decimal point correspond with the respective regulation numbers in Regulations Governing The Admission Of Candidates Into The United States Naval Academy As Midshipmen, Navy Department, June 1943.

GENERAL

§ 4.1 *No provision for traveling expenses of rejected candidates for appointment as midshipman; entrance fee.* Each candidate who receives a formal order authorizing him to report at the Naval Academy for the final physical examination for admission should provide himself in advance with means for returning home in the event that he be rejected by the permanent medical examining board and the board of medical review; and he must provide himself with sufficient funds to defray his living expenses during the examination period of not less than 3 days. He must, prior to acceptance as a midshipman, deposit the required \$100 entrance fee.

§ 4.2 *Preliminary physical examination for candidates.* (a) Before leaving their places of residence for Annapolis, all candidates for admission to the Naval Academy should be accurately measured to assure meeting height requirements and be thoroughly examined by a competent physician, particularly regarding eyesight, color perception, hearing, kidney and heart trouble; and by a competent dentist, for dental defects. By such examinations any height disqualification or serious physical disqualification would be revealed, and the candidates spared the disappointment of rejection and needless expense.

(b) Any candidate who has authority from any Senator or Representative to report to any naval or recruiting station to which naval medical officers are attached will be given a preliminary physical examination gratis to determine his physical condition at that time. It is advisable that an appointment be made in advance with the Naval activity to which a candidate expects to report for preliminary physical examination. This examination, of course, is unofficial and must not be considered as conclusive or in any way offsetting or taking the place of the regular physical examination, which by law must be held by a board of medical examiners authorized to give a regular physical examination, before any candidate can enter the Naval Academy. The regular physical examination for candidates who have successfully passed the mental examination is given only by a board of medical examiners at the Naval Academy and all candidates are required to pass this examination before being accepted as midshipmen.

(c) Inasmuch as a cycloplegic is required for the purpose of refracting the eyes of candidates for midshipman at the regular physical examination conducted at the United States Naval Academy, Annapolis, Md., or the preliminary physical examination at naval and recruiting stations, to which medical officers may be attached, a minimum period of 3 days will be necessary for candidates reporting for such examination, if the examination is held before Friday, and 4 days for candidates reporting for examination on Friday.

(d) Accordingly, all candidates authorized to take either the regular or preliminary physical examination should provide themselves with sufficient funds to defray the expenses of lodging and subsistence for that length of time.

LIST OF STATIONS AT WHICH PRELIMINARY PHYSICAL EXAMINATIONS WILL BE HELD

- Naval Officer Procurement, Post Office and Courthouse Building, Birmingham, Ala.
Navy Recruiting Station, Post Office and Courthouse Building, Birmingham, Ala.
Naval Receiving Station, Alabama Dry Dock Co., Mobile, Ala.
Navy Recruiting Station, Heard Building, 114-120 North Central Avenue, Phoenix, Ariz.
Navy and Marine Recruiting Station, Federal Building, Capitol and Arch Streets, Little Rock, Ark.
Naval Air Station, Alameda, Calif.
U. S. Naval Hospital, Corona, Calif.
Navy Recruiting Station, New Courthouse and Post Office Building, Fresno, Calif.
Naval Dispensary, Federal Building, Long Beach, Calif.
Naval Air Station, Los Alamitos, Calif.
Naval Officer Procurement, Naval and Marine Corps Reserve Armory, 850 Lilac Terrace, Los Angeles, Calif.
Aviation Cadet Selection Board, Los Angeles, Calif.
Navy and Marine Recruiting Station, Post Office and Courthouse, Main and Temple Streets, Los Angeles, Calif.
U. S. Naval Hospital, Mare Island, Calif.
St. Mary's University, Moraga, Calif.
U. S. Naval Hospital, Oakland, Calif.
Naval Air Station, Oakland, Calif.
Navy Recruiting Station, New Federal Building, Sacramento, Calif.
Naval Air Station, San Diego, Calif.
Naval Training Station, San Diego, Calif.
Marine Corps Base, San Diego, Calif.
U. S. Naval Hospital, San Diego, Calif.
Navy Recruiting Station, San Diego, Calif.
Aviation Cadet Selection Board, San Francisco, Calif.
Naval Officer Procurement, 703 Market Street, Central Tower Building, San Francisco, Calif.
Navy Recruiting Station, Federal Office Building, Civic Center, San Francisco, Calif.
Naval Dispensary, Naval Operating Base, San Pedro, Calif.
Naval Air Station, Moffett Field, Sunnyvale, Calif.
U. S. Naval Hospital, Treasure Island, Calif.
Navy Recruiting Station, U. S. Customhouse, Twentieth and California Streets, Denver, Colo.
Navy Recruiting Station, Post Office and Courthouse, Hartford, Conn.
Submarine Base, New London, Conn.
Navy Recruiting Station, Post Office Building, 141 Church Street, New Haven, Conn.
Navy and Marine Recruiting Station, City Club Building, 1320 "G" Street, N.W., Washington, D. C.
Navy Yard, Washington, D. C.
Naval Dispensary, Navy Department, Washington, D. C.
Naval Air Station, Anacostia, D. C.
Naval Reserve Aviation Base, Anacostia, D. C.
Naval Aviation Cadet Selection Board, Washington, D. C.
Naval Air Station, Banana River, Fla.
Navy Recruiting Station, Post Office Building, 311 West Monroe Street, Jacksonville, Fla.
Naval Officer Procurement, 915 Lynch Building, Jacksonville, Fla.
U. S. Naval Hospital, Jacksonville, Fla.
U. S. Naval Station, Key West, Fla.
Navy Recruiting Station, Miami, Fla.
Naval Officer Procurement, Langford Building, Room 905, 121 SE. First Street, Miami, Fla.
Naval Dispensary, Miami, Fla.
Naval Air Station, Miami, Fla.
Marine Recruiting Station, Orlando, Fla.
U. S. Naval Hospital, Pensacola, Fla.
Pre-Flight School, University of Georgia, Athens, Ga.
Navy and Marine Recruiting Station, Atlanta, Ga.
Aviation Cadet Selection Board, Atlanta, Ga.
Naval Air Station, Atlanta, Ga.
Naval Air Station, Brunswick, Ga.
Navy and Marine Recruiting Station, Post Office Building, Macon, Ga.
Navy Recruiting Station, Capital Securities Building, 119 North Eighth Street, Boise, Idaho.
Naval Training Station, Farragut, Idaho.
Naval Training School (Radio), University of Idaho, Moscow, Idaho.
Navy Recruiting Station, Post Office Building, Pocatello, Idaho.
Navy Recruiting Station, Central Division, United States Courthouse, Chicago, Ill.
Naval Officer Procurement, Board of Trade Building, Chicago, Ill.
Aviation Cadet Selection Board, Glenview, Ill.
Naval Air Technical Training School, Navy Pier, Chicago, Ill.
Naval Training School, Northwestern University, Evanston, Ill.
U. S. Naval Hospital, Great Lakes, Ill.
Navy Recruiting Station, Post Office Building, Peoria, Ill.
Navy Recruiting Station, 613 East Monroe Street, State Register Building, Springfield, Ill.
Naval Training School (Signals), University of Illinois, Urbana, Ill.
Navy Recruiting Station, Post Office Building, Evansville, Ind.
Navy Recruiting Station, Post Office Building, Meridan, Ohio, Pennsylvania and New York Streets, Indianapolis, Ind.
Naval Air Station, Bunker Hill, Ind.
Naval Training School, Notre Dame University, South Bend, Ind.
Naval Training School (WR), Iowa State Teachers College, Cedar Falls, Iowa.
Navy Aviation Pre-Flight School, University of Iowa, Iowa City, Iowa.
Navy Recruiting Station, Room 115, Old Post Office Building, Fifth and Court Streets, Des Moines, Iowa.
Naval Flight Preparatory School, Cornell College, Mount Vernon, Iowa.
Naval Air Station, Naval Air Primary Training Command, Hutchinson, Kans.
Naval Training School, University, Lawrence, Kans.
Naval Air Station, Olathe, Kans.
Navy Recruiting Station, Post Office Building, Seventh and Broadway, Louisville, Ky.
Naval Flight Preparatory School, Murray State Teachers College, Murray, Ky.
Navy Recruiting Station, Butcher Bros. Building, 111 East Main Street, Lafayette, La.
Naval Flight Preparatory School, Louisiana State Normal School, Natchitoches, La.
Naval Officer Procurement, 217-227 Camp Street, New Orleans, La.
Naval Aviation Cadet Selection Board, New Orleans, La.
Naval Air Station, New Orleans, La.
U. S. Naval Station, New Orleans, La.
Navy Recruiting Station, Slattery Building, 509 Marshall Street, Shreveport, La.
Marine Recruiting Station, Augusta, Maine.
Navy Recruiting Station, Post Office Building, Bangor, Maine.
Navy Recruiting Station, Federal Courthouse Annex, 76-78 Pearl Street, Portland, Maine.
Naval Officer Procurement, Richmond Market Armory, North Howard Street, Baltimore, Md.
Navy Recruiting Station, Post Office Building, Calvert and Fayette Streets, Baltimore, Md.
Naval Training Station, Bainbridge (Port Deposit), Md.
U. S. Naval Hospital, Annapolis, Md.
Naval Academy, Annapolis, Md.
U. S. Naval Hospital, Bethesda, Md.
Naval Officer Procurement, 150 Causeway Street, Boston, Mass.
Naval Aviation Cadet Selection Board, Boston, Mass.
Naval Air Station, Boston, Mass.
U. S. Navy Yard, Boston, Mass.
Navy Recruiting Station, New Courthouse and Post Office Building, Post Office Square, Boston, Mass.
U. S. Naval Hospital, Chelsea, Mass.
Navy Recruiting Station, Post Office Building, Springfield, Mass.
Marine Recruiting Station, Springfield, Mass.
Naval Reserve Aviation Base, Squantum, Mass.
Naval Air Station, Squantum, Mass.
Naval Air Station, Grosse Ile, Detroit, Mich.
Navy Recruiting Station, New Federal Building, Lafayette Fort, Shelby and Wayne Streets, Detroit, Mich.
Navy Recruiting Station, Michigan National Guard Armory, 162 East Water Street, Kalamazoo, Mich.
Navy Recruiting Station, Federal Building, Marquette, Mich.
Naval Officer Procurement, Fourth Floor, Roanoke Building, 109 South Seventh Street, Minneapolis, Minn.
Naval Aviation Cadet Selection Board, Minneapolis, Minn.
Naval Air Station, Wold-Chamberlain Airport, Minneapolis, Minn.
Navy Recruiting Station, Federal Building, Washington and Second Avenue, South Minneapolis, Minn.
Navy and Marine Recruiting Station, Jackson, Miss.
Navy Recruiting Station, United States Courthouse, Ninth and Grand Streets, Kansas City, Mo.
Navy and Marine Recruiting Station, United States Courthouse and Customhouse, Twelfth and Market Streets, St. Louis, Mo.
Naval Officer Procurement, Sixth Floor, Missouri-Pacific Building, 210 North Thirteenth Street, St. Louis, Mo.
Aviation Cadet Selection Board, Room 738, New Federal Building, Twelfth and Market Streets, St. Louis, Mo.
Naval Air Station, Lambert Field, St. Louis, Mo.
Navy Recruiting Station, Federal Building, Butte, Mont.
Navy Recruiting Station, Helena, Mont.
Naval Ammunition Depot, Hastings, Nebr.
Navy Recruiting Station, 308 Federal Building, Fifteenth and Dodge Streets, Omaha, Nebr.
Naval Training School, Dartmouth College, Hanover, N. H.
U. S. Naval Hospital, Portsmouth, N. H.
U. S. Navy Yard, Portsmouth, N. H.
Navy Recruiting Station, Manchester, N. H.
Naval Base, Cape May, N. J.
Naval Air Station, Lakehurst, N. J.
Navy Recruiting Station, Post Office Building, Newark, N. J.
Naval Training School, Princeton University, Princeton, N. J.
Naval Officer Procurement, 33 Pine Street, New York, N. Y.
Naval Aviation Cadet Selection Board, New York, N. Y.
Naval Air Station, New York, N. Y.

Navy Receiving Ship, Pier 92, New York, N. Y.
 U. S. Navy Yard, Brooklyn, N. Y.
 U. S. Naval Hospital, Brooklyn, N. Y.
 Navy and Marine Recruiting Station, Federal Office Building, 90 Church Street, New York, N. Y.
 Navy Recruiting Station, Post Office Building, Ellcott, Swan and Oak Streets, Buffalo, N. Y.
 Naval Officer Procurement (Branch), Genesee Valley Trust Building, Rochester, N. Y.
 Naval Training Station, Sampson, N. Y.
 U. S. Naval Hospital, Sampson, N. Y.
 Naval Training School, Cornell University, Ithaca, N. Y.
 Navy Recruiting Station, Post Office Building, Albany, N. Y.
 Marine Recruiting Station, Syracuse, N. Y.
 Navy Recruiting Station, City Hall Building, Santa Fe, N. Mex.
 University of New Mexico, Albuquerque, N. Mex.
 Naval Training School (MM), New Mexico A. & M., State College, N. Mex.
 Naval Convalescent Hospital, Biltmore Station, Asheville, N. C.
 Navy Recruiting Station, Federal Building, Fayetteville and Martin Streets, Raleigh, N. C.
 Naval Officer Procurement, North Carolina State College, Raleigh, N. C.
 Naval Air Station, Elizabeth, N. C.
 Marine Corps Air Station, Cherry Point, N. C.
 U. S. Naval Hospital, New River, N. C.
 Marine Barracks, New River, N. C.
 Pre-Flight School, University of North Carolina, Chapel Hill, N. C.
 Naval Training School (MM), North Dakota State School of Science, Wahpeton, N. Dak.
 Navy Recruiting Station, New Post Office Building, Akron, Ohio.
 Navy Recruiting Station, Courthouse and Post Office Building, Government Square, Cincinnati, Ohio.
 Navy Recruiting Station, Old Post Office Building, East Second and Superior Streets, Cleveland, Ohio.
 Naval Officer Procurement, Central Armory, East Sixth and Lakeside, Cleveland, Ohio.
 Navy Recruiting Station, Columbus, Ohio.
 Navy Recruiting Station, Toledo, Ohio.
 Navy and Marine Recruiting Station, Courthouse, 620 Southwest Main Street, Portland, Oreg.
 Naval Air station, Tongue Point, Oreg.
 Navy Recruiting Station, Post Office Building, Third and Robinson Streets, Oklahoma City, Okla.
 Naval Officer Procurement, Post Office Building, Oklahoma City, Okla.
 Naval Air Station, Norman, Okla.
 U. S. Naval Hospital, Norman, Okla.
 Navy Recruiting Station, Post Office Building, Third Street and Boulder Avenue, Tulsa, Okla.
 Navy Recruiting Station, Post Office Building, Allentown, Pa.
 Navy Recruiting Station, Post Office Building, Altoona, Pa.
 Navy Recruiting Station, Courthouse, Erie, Pa.
 Navy Recruiting Station, Post Office Building, Greensburg, Pa.
 Navy Recruiting Station, Post Office Building, Harrisburg, Pa.
 Naval Air Station, Hatboro, Pa.
 Naval Officer Procurement, Seventeenth Floor, Widener Building, Juniper and Chestnut Streets, Philadelphia, Pa.
 Naval Aviation Cadet Selection Board, Philadelphia, Pa.
 Navy Yard, Philadelphia, Pa.
 U. S. Naval Hospital, Philadelphia, Pa.
 Navy Recruiting Station, Old Federal Building, 300 Smithfield Street, Pittsburgh, Pa.
 Naval Officer Procurement, Keystone Hotel Building, Third Avenue and Wood Street, Pittsburgh, Pa.

Navy Recruiting Station, Post Office Building, Wilkes-Barre, Pa.
 Navy Recruiting Station, Old Industrial Trust Building, 49 Westminster Street, Providence, R. I.
 Naval Air Station, Quonset Point, R. I.
 Naval Construction Training Center, Davisville, R. I.
 Naval Torpedo Station, Newport, R. I.
 U. S. Naval Hospital, Newport, R. I.
 Naval Training Station, Newport, R. I.
 Navy and Marine Recruiting Station, First National Bank Building, 1210 Washington Street, Columbia, S. C.
 Naval Officer Procurement, The Center, Marion Square, Charleston, S. C.
 U. S. Naval Hospital, Charleston, S. C.
 U. S. Navy Yard, Charleston, S. C.
 U. S. Naval Hospital, Parris Island, S. C.
 Navy Recruiting Station, New Federal Building, Chattanooga, Tenn.
 Navy Recruiting Station, Memphis, Tenn.
 Naval Air Station, Memphis, Tenn.
 U. S. Naval Hospital, Memphis, Tenn.
 Navy and Marine Recruiting Station, United States Courthouse, Nashville, Tenn.
 Navy Recruiting Station, Post Office and Courthouse, Abilene, Tex.
 Navy Recruiting Station, Post Office Building, Houston, Tex.
 Naval Officer Procurement, 136 Post Office Building, Houston, Tex.
 Navy and Marine Recruiting Station, San Antonio, Tex.
 Naval Officer Procurement, 1530 Allen Building, Dallas, Tex.
 U. S. Naval Hospital, Corpus Christi, Tex.
 Naval Air Station, Corpus Christi, Tex.
 Naval Aviation Cadet Selection Board, Dallas, Tex.
 Naval Air Station, Dallas, Tex.
 Navy Recruiting Station, U. S. Courthouse, El Paso, Tex.
 Marine Recruiting Station, El Paso, Tex.
 Navy Recruiting Station, Post Office Building, Lubbock, Tex.
 Navy Recruiting Station, Post Office Building, Tyler, Tex.
 Navy Recruiting Station, Federal Building, 350-360 South Main Street, Salt Lake City, Utah.
 Navy Recruiting Station, Post Office Building, Rutland, Vt.
 Naval Officer Procurement, Second Floor, Chevrolet Parts Building, Norfolk and Altamont Streets, Richmond, Va.
 Navy and Marine Recruiting Station, Parcel Post Building, Eleventh and Main Streets, Richmond, Va.
 Naval Officer Procurement, Post Office Building, Norfolk, Va.
 U. S. Naval Hospital, Norfolk, Va.
 Naval Training Station, Norfolk, Va.
 Naval Air Station, Norfolk, Va.
 Norfolk Naval Hospital, Portsmouth, Va.
 Naval Officer Procurement, 117 Marion Street, Seattle, Wash.
 Naval Aviation Cadet Selection Board, Seattle, Wash.
 Naval Air Station, Seattle, Wash.
 U. S. Naval Hospital, Seattle, Wash.
 Navy and Marine Recruiting Station, Federal Office Building, Marion Street and First Avenue, Seattle, Wash.
 Navy Recruiting Station, Welch Building, 610 Main Avenue, Spokane, Wash.
 Naval Air Station, Pasco, Wash.
 U. S. Naval Hospital, Bremerton, Wash.
 Marine Recruiting Station, Charleston, W. Va.
 Navy Recruiting Station, Post Office Building, Clarksburg, W. Va.
 Navy Recruiting Station, Post Office Building, Huntington, W. Va.
 Navy Recruiting Station, Plankinton Building, 161 West Wisconsin Avenue, Milwaukee, Wis.
 Naval Officer Procurement, Milwaukee, Wis.
 Navy Recruiting Station, 2000 Capitol Avenue, Cheyenne, Wyo.

§ 4.3 *General qualifications of candidates.* (a) A sound body and constitution, suitable preparation, good natural capacity, an aptitude for study, industrious habits, perseverance, an obedient and orderly disposition, and a correct moral deportment are such essential qualifications that candidates knowingly deficient in any of these respects should not, as many do, subject themselves and their friends to the chances of future mortification and disappointment by accepting appointments to the Naval Academy and entering on a career which they cannot successfully pursue.

(b) Candidates should not report for physical examination and admission to the Naval Academy unless they are convinced by a careful consideration of their personal and their family circumstances that they will be satisfied to remain at the Naval Academy, complete the course, and accept commissions as Ensigns of the line, or such other commissions as may be offered in the United States Navy.

§ 4.4 *Selection of candidates by Members of Congress; by Secretary of the Navy.* Hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if said recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the Academy, there occurs or is about to occur at the Academy a vacancy for any State, district, or Territory that cannot be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine.

§ 4.5 *Residence of candidates.* Candidates allowed for States, congressional districts, Territories, and the District of Columbia must be actual residents of such States, congressional districts, Territories, or District of Columbia, respectively, from which they are nominated.

§ 4.6 *Inquiries relative to appointments and competitive examinations should be addressed to Members of Congress.* (a) The selection of candidates, by competitive examination or otherwise, for nomination from any congressional district, is entirely in the hands of the Member of Congress entitled to make the nomination, and all applications for appointment or inquiries relative to competitive examinations should be addressed to the Congressman representing the congressional district in which the vacancy exists.

(b) As soon as nominated, a copy of these entrance regulations will be forwarded direct to each candidate in order that he may be fully informed regarding the mental and physical qualifications of candidates. A syllabus of the first year's work at the Naval Academy is available by addressing the Bureau of Naval Personnel, Navy Department, Washington, D. C., to enable each candidate to spend his time profitably at his local school and thus be better prepared to pursue the course at the Naval Academy after appointment.

(c) The Naval Academy entrance examinations, both substantiating and regular, are held commencing the third Wednesday in February and the third Wednesday in April of each year. However, it is the policy of some Senators and Representatives to have the United States Civil Service Commission hold special competitive examinations at times other than as above, for the purpose of enabling them to select their nominees. These special competitive examinations have no bearing upon the candidate's mental qualifications for admission as midshipman, as the Naval Academy requirements must also be met. All of the details concerning the special competitive examinations are handled by the Senator or Representative concerned and the United States Civil Service Commission in Washington, and correspondence relative thereto should be addressed accordingly.

NOMINATION AND APPOINTMENTS

§ 4.8 *Nomenclature.* The students of the Naval Academy are called midshipmen.

§ 4.9 *Allowance of nominations.* Five midshipmen are allowed for each Senator, Representative, Delegate in Congress, and the Vice President, 5 for the District of Columbia, and 25 appointed each year from the United States at large. The appointments from the District of Columbia and 25 each year at large are made by the President. The appointments of midshipmen at large are given by the President to the sons of officers and enlisted men of the Regular Army, Navy, and Marine Corps, for the reason that officers and enlisted men, owing to the nature of their duties, are unable to establish permanent residence and thus be in a position to secure nominations for their sons from their Senators and Representatives. All these candidates are required to take the regular mental examination in competition with each other, the 25 passing highest in the examination receiving the ap-

pointments. Applications should be addressed to the Secretary of the Navy, via the Bureau of Naval Personnel, and should give the full name and date of birth of the candidate and the name and rank or rating of his father. Neither stepsons nor adopted sons are eligible for these appointments. The vacancies from the District of Columbia are filled by competitive examination of candidates residing in the District. The selection of candidates, by competitive examination or otherwise, for nomination for vacancies in the quota of Senators, Representatives, and Delegates in Congress is entirely in the hands of each Senator, Representative, and Delegate in Congress having a vacancy; and all applications for appointments or inquiries relative to competitive examinations should be addressed accordingly.

§ 4.10 *Additional appointments—(a) Appointments by competitive examination from the Regular Navy and Marine Corps.* The law authorizes the appointment of 100 enlisted men each year, to be selected as a result of a competitive examination given enlisted men of the Regular Navy and Marine Corps who are not more than 21 years of age on April 1 of the year it is desired to enter and who have been in the service as enlisted men at least 9 months by July 1 of that year. The mental and physical requirements for these candidates are the same as for other candidates for midshipmen. Briefly, the service requirements are: That the applicant must have had at least 9 months of service by July 1 of the year of admission to the Academy. The competitive examination will be held on the third Wednesday in April of each year and is the regular mental examination in all subjects, requiring 3 days, given to candidates nominated by Senators and Representatives. Therefore, candidates from the enlisted personnel cannot utilize the certificate methods of qualifying mentally. Enlisted men who fulfill the requirements as to age and length of service should make application to their commanding officers for examination. It is not necessary to be recommended by anyone else. In the event that the quota of 100 midshipmen from the Naval Reserve and the Marine Corps Reserve is not filled in any one year, the Secretary of the Navy may fill such vacancies with enlisted men from the Regular Navy or Marine Corps who fulfill the requirements set forth above. Enlisted men failing in the examination for midshipman will be required to serve out their terms of enlistment.

For further information in regard to enlisting in the Navy, candidates should apply to the nearest Navy Recruiting Station.

(b) *Appointments from the enlisted men of the Naval Reserve and the Marine Corps Reserve.* The law authorizes the Secretary of the Navy to appoint each year not more than 100 midshipmen, to be selected as a result of competitive examination of enlisted men of the Naval Reserve and the Marine Corps Reserve, hereinafter referred to as the Reserve. In the event the quota of mid-

shipmen from the enlisted men of the Regular Navy is not filled in any 1 year, the Secretary of the Navy may fill such vacancies with additional men from the Reserve.

(1) The requirements for entrance from the Reserve are the same as for enlisted men of the Regular Navy as shown in paragraph (a) of this section.

(2) Men in Reserve classes V-1 (NROTC), V-1, (ACP) V-5, SV-5, V-7, SV-7, V-12 and SV-12 are not eligible.

(c) *Appointments from among the sons of deceased officers, soldiers, sailors and marines of the World War.* (1) An act of Congress approved December 1, 1942 (56 Stat. 1024; 34 U.S.C. 1036a), authorizes that the number of midshipmen now allowed by law at the United States Naval Academy be increased by 40 from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States, including members of the Army Nurse Corps (female) and Navy Nurse Corps (female) employed in the active service by the War Department or Navy Department, who were killed in action or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during the World War (as defined by existing laws providing service connected compensation benefits for World War Veterans and their dependents): *Provided*, That the determination of the Veterans' Administration as to service connection of the cause of death shall be final and conclusive and shall be binding upon the Secretary of the Navy.

(2) No recommendation or indorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name, rank, and date of death of his father.

(d) *Appointments from Puerto Rico and the Philippine Islands.* (1) One midshipman is allowed from Puerto Rico, who must be a native of that island. The appointment is made by the President, on the recommendation of the Governor of Puerto Rico. At present, five midshipmen are also allowed from Puerto Rico, appointed on the nomination of the Resident Commissioner.

(2) Four Filipinos, one for each class, to be designated by the President of the Commonwealth of the Philippine Islands, are allowed to receive instruction at the Naval Academy; but these midshipmen will not, however, be entitled to appointment to any commissioned office in the United States Navy by reason of their graduation from the Naval Academy.

(e) *Appointments from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department, or by the Navy Department, and the members of the Naval Reserve Officers' Training Corps.* (1) An act of Congress approved June 6, 1941 (55 Stat. 246; 34 U.S.C.

1033a), authorizes the Secretary of the Navy to appoint not more than 20 midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among members of the Naval Reserve Officers' Training Corps.

(2) The 20 appointments authorized in the above law will be made as a result of a competitive examination to be held on the third Wednesday in April of each year. This examination will be open to candidates selected in accordance with paragraph (e) (3) of this section, and all of the candidates selected will take this examination in competition with each other. This examination will be the regular mental examination for entrance into the United States Naval Academy. Accordingly, a candidate is not eligible to submit a certificate of credits for exemption from the regular examination.

(3) The candidates for the competitive examination outlined in paragraph (e) (2) of this section will be selected in accordance with the following:

(i) The Navy Department will obtain a list of "honor schools" from the War Department each year, and three honor graduates as defined by the Army Regulations may be designated each year by the head of each such school; similar action will be taken in the case of the three honor graduates designated by the head of each "honor school" selected by the Navy Department. The candidates from these "honor schools" whose standing indicates that they will be honor graduates of said schools in June of the year in which the examination will be held will also be eligible to be nominated as one of the three candidates from such schools to compete in the examination, but will not be considered for appointment in case they do not fulfill the requirements which would entitle them to be honor graduates at the time of their graduation.

(ii) Three candidates may be nominated each year by the president of each of the educational institutions in which a Naval Reserve Officers' Training Corps unit is established. Each such candidate must be a regularly enrolled student in the Naval Reserve Officers' Training Corps and must have completed a minimum of 1 year's scholastic work in that corps at the time of entrance to the Naval Academy.

(iii) All students nominated as candidates in accordance with subdivisions (i) and (ii) of this subparagraph must meet the requirements as to age, moral qualifications, etc., as set forth in this part.

(4) The examination outlined in paragraph (e) (2) of this section will be the only mental examination required for entrance into the United States Naval Academy, and examination papers will be marked on a competitive basis. The 20 candidates passing this mental examination with the highest rating will, if physically qualified, be appointed in the order of their standing on the list. In case of the failure of any of these candi-

dates to pass physically, the candidates passing the examination with a standing below that of the first 20 on the competitive list will be called for physical examination in the order of their mental standing to fill the vacancies caused by physical failure or rejection for any other reason of candidates who have qualified mentally above them on the list.

(f) *Appointments from American Republics.* An act of Congress approved July 14, 1941 (55 Stat. 589; 34 U.S.C. 1036-1) provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States Naval Academy at Annapolis, Maryland.¹ Not more than three persons from any such republics shall receive instruction under authority of this act at the same time. The persons receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy.

(1) The following regulations are established. Each candidate must:

(i) Be an unmarried, bona fide male citizen of the country transmitting the request, be not less than 17 years of age nor more than 21 years of age on April 1 of the calendar year in which he enters the Naval Academy.

(ii) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination before the permanent medical examining board at the United States Naval Academy.

(iii) Be proficient in reading, writing, and speaking idiomatic English and meet the same mental entrance requirements as are required of citizens of the United States except that a candidate will not be examined in English and American literature and United States history. In lieu thereof the candidate will be required to submit a certificate from his government that he is conversant with the literature and history of his native country. Candidates will be required to take an examination in English grammar and composition. The requirements for citizens of the United States are contained in this part. Candidates may qualify for admission under any of the three following methods:

(a) Regular entrance examination.

(b) Certificates from accredited secondary schools of the United States of America and on substantiating examination.

¹ Four-year (temporarily 3-year) basic course in preparation for the Naval profession. Begins in June.

(c) Certificates from accredited secondary schools and colleges of the United States of America.

(2) Regular or substantiating examinations for entrance into the United States Naval Academy may be taken either in the United States or in the candidates' respective native countries. In the latter case, the mental examination will be taken under the supervision of the Naval attaché or, in the event no Naval attaché is accredited to the country, a diplomatic representative of the United States, and he shall furnish a report as to the candidate's proficiency in the use of idiomatic English.

(3) The candidate shall submit a certificate from his government that he has:

(i) In literature, completed a course in the literature of his native country equivalent in general to 2 years of secondary school work in literature in the United States.

(ii) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(4) Candidates may, in lieu of the above certification, produce evidence of having acquired the units for literature and United States history from accredited schools of the United States.

(5) Each government concerned should submit the name of the candidate as early as possible in order that he may qualify for entrance during the month of April and enter the Naval Academy early in the month of June except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 15 in order to permit completion of required certificates. Candidates will not be accepted for entrance later than June 30. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(6) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, -----, a citizen of -----, aged ----- years ----- months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(7) Notification shall be made to each foreign government concerned that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the academy, or repetition of a year's work.

(g) *Appointments from Canal Zone.* An act of Congress approved June 8,

1939 (53 Stat. 814; 34 U. S. C. 1035a), provides that there shall be at the United States Naval Academy one midshipman to be selected from among the sons of civilians residing in the Canal Zone and the sons of civilian employees of the United States Government and the Panama Railroad Co. residing in the Republic of Panama, whose appointment shall be made by the Secretary of the Navy on the recommendations of the Governor of the Panama Canal.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

§ 4.11 *Course of instruction.* The course for midshipmen is normally 4 years but is temporarily reduced to 3 years. Instruction, drills, and exercises are designed solely to prepare them for the duties of a junior line officer of the Navy. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess retentive memories, and are capable of intense application may reasonably expect to complete the course.

§ 4.12 *Disposition after graduation.* Graduates of the Naval Academy who at graduation meet all requirements are commissioned as probationary ensigns in the Navy or as second lieutenants in the Marine Corps. Their commissions may be revoked by the Secretary of the Navy at any time during the first 7 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Ensigns or second lieutenants whose commissions are revoked shall be discharged from the service with not more than 1 year's pay.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

§ 4.13 *Age limits of graduates; citizenship.* (a) All candidates are required to be citizens of the United States and must be not less than 17 years of age nor more than 21 years of age on April 1 of the calendar year in which they enter the Naval Academy.

(b) If the candidate has not reached his seventeenth birthday on or before April 1, or if he will have reached his twenty-first birthday on or before April 1 of the calendar year in which he expects to enter the Naval Academy, he will be ineligible for admission.

§ 4.14 *Moral character of candidates.* Candidates must be of good moral character. No candidate who has been dismissed in accordance with the act of Congress April 9, 1906, (34 Stat. 104; 34 U.S.C. 1062, 1064-1066, 1068) or who is permitted to resign in lieu of dismissal, shall be reappointed or allowed to re-enter the Naval Academy. (See also § 4.33 (a) (3).)

§ 4.15 *Marital status of candidates.* No person who is married, or who has been married, shall be admitted as a midshipman to the Naval Academy. Midshipmen shall not marry, and any midshipman found to have been married shall be recommended for dismissal.

METHODS OF ADMISSION

§ 4.16 *When candidates may be mentally examined.* All candidates for admission into the academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class unless recommended by the board of examiners.

§ 4.17 *When alternates may be mentally examined.* When any candidate who has been nominated by a Senator, Member, or Delegate of the House of Representatives, is found upon examination to be physically or mentally disqualified for admission, the Senator, Member, or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of § 4.16.

§ 4.18 *Time and place of examination.* (a) Mental examinations for admission of midshipmen to the Naval Academy are held only twice each year, as follows: The first examination is held on the third Wednesday in February unless a legal holiday occurs on Wednesday, Thursday, or Friday of this week in which case another date will be set by the Navy Department, and the second on the third Wednesday in April, under the supervision of the Civil Service Commission, at points named in the accompanying list. All those qualifying mentally, who are entitled to appointment in order of nomination, will be notified by the Bureau of Naval Personnel when to report to the academy for physical examination, and if physically qualified will be appointed.

(b) Candidates may be examined at any of the places named in the accompanying list. If a candidate has been authorized to report for mental examination at any one of the points given below, the place may be changed to any other point on the list on the request of the candidate.

(c) Senators and Representatives are requested, when designating their nominees, to give the place at which it is desired they should be examined.

Alabama: Anniston, Birmingham, Decatur, Demopolis, Dothan, Eufaula, Florence, Gadsden, Huntsville, Marion, Mobile, Montgomery, Opelika, Selma, and Tuscaloosa.

Alaska: Anchorage, Cordova, Fairbanks, Juneau, Ketchikan, Nome, Seward, and Sitka.

Arizona: Douglas, Flagstaff, Globe, Kingman, Nogales, Phoenix, Prescott, Tucson, and Yuma.

Arkansas: Camden, Fayetteville, Fort Smith, Harrison, Helena, Hot Springs, Jonesboro, Little Rock, Monticello, Newport, Russellville, and Texarkana.

California: Alturas, Bakersfield, Bishop, Chico, El Centro, Eureka, Fresno, Long Beach, Los Angeles, Oakland, Red Bluff, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Luis Obispo, Santa Barbara, Santa Cruz, Santa Rosa, Stockton, and Vallejo.

Canal Zone: Balboa Heights.

Colorado: Canon City, Colorado Spgs., Denver, Durango, Fort Collins, Fort Morgan, Glenwood Spgs., Grand Junction, Greeley, La Junta, Leadville, Monte Vista, Montrose, Pueblo, Sterling, and Trinidad.

Connecticut: Bridgeport, Danbury, Hartford, Middletown, New Haven, New London, Waterbury, and Willimantic.

Delaware: Dover and Wilmington.

District of Columbia: Washington.

Florida: Daytona Beach, Fort Myers, Gainesville, Jacksonville, Key West, Lake City, Lakeland, Miami, Ocala, Orlando, Pensacola, St. Petersburg, Tallahassee, Tampa, and West Palm Beach.

Georgia: Albany, Americus, Athens, Atlanta, Augusta, Brunswick, Columbus, Dublin, Fitzgerald, Gainesville, Macon, Rome, Savannah, Thomasville, Valdosta, and Waycross.

Hawaii: Hilo and Honolulu.

Idaho: Boise, Coeur d'Alene, Grangeville, Idaho Falls, Lewiston, Moscow, Pocatello, Sandpoint, St. Anthony, Twin Falls, and Weiser.

Illinois: Alton, Aurora, Belleville, Bloomington, Cairo, Carbondale, Centralia, Chicago, Danville, Decatur, East St. Louis, Effingham, Freeport, Galena, Galesburg, Harrisburg, Jacksonville, Joliet, Kankakee, Mattoon, Mount Carmel, Peoria, Quincy, Rockford, Rock Island, Savanna, Springfield, Staunton, Streator, Urbana, and Waukegan.

Indiana: Angola, Bloomington, Evansville, Fort Wayne, Hammond, Indianapolis, Jeffersonville, La Fayette, Marion, Muncie, Richmond, South Bend, Terre Haute, Valparaiso, and Vincennes.

Iowa: Ames, Atlantic, Burlington, Cedar Rapids, Clinton, Council Bluffs, Creston, Davenport, Decorah, Denison, Des Moines, Dubuque, Fort Dodge, Iowa City, Marshalltown, Mason City, Ottumwa, Shenandoah, Sioux City, Spencer, and Waterloo.

Kansas: Concordia, Dodge City, Emporia, Fort Scott, Garden City, Hays, Kansas City, Lawrence, Leavenworth, Manhattan, Norton, Parsons, Pittsburg, Salina, Topeka, and Wichita.

Kentucky: Ashland, Bowling Green, Covington, Hopkinsville, Lebanon, Lexington, London, Louisville, Madisonville, Middleboro, Owensboro, Paducah, Paintsville, and Somerset.

Louisiana: Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport.

Maine: Augusta, Bangor, Bath, Calais, Caribou, Fort Kent, Houlton, Lewiston, Portland, and Rockland.

Maryland: Annapolis, Baltimore, Cumberland, Easton, Hagerstown, Salisbury, and Sarverna Park.

Massachusetts: Amherst, Boston, Brockton, Fall River, Fitchburg, Greenfield, Haverhill, Holyoke, Hyannis, Lawrence, Lowell, New Bedford, Northampton, Pittsfield, Salem, Springfield, and Worcester.

Michigan: Alpena, Ann Arbor, Battle Creek, Big Rapids, Cadillac, Cheboygan, Detroit, Escanaba, Flint, Grand Rapids, Houghton, Ironwood, Jackson, Kalamazoo, Lansing, Manistee, Marquette, Muskegon, Port Huron, Saginaw, St. Joseph, Sault Ste. Marie and Traverse City.

Minnesota: Austin, Bemidji, Brainerd, Crookston, Duluth, Ely, Fairmount, Fergus Falls, Glenwood, Grand Rapids, International Falls, Mankato, Minneapolis, Montevideo, Northfield, Pipestone, Rochester, St. Cloud, St. Paul, Thief River Falls, Virginia, Willmar, and Winona.

Mississippi: Biloxi, Brookhaven, Clarksdale, Columbus, Corinth, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Jackson, Meridian, Natchez, Oxford, Starkville, Tupelo, Vicksburg, and West Point.

Missouri: Cape Girardeau, Chillicothe, Columbia, Farmington, Hannibal, Jefferson City, Joplin, Kansas City, Kirksville, Maryville, Moberly, Nevada, Poplar Bluff, Richmond, Rolla, St. Joseph, St. Louis, Sedalia, Springfield, Warrensburg, and West Plains.

Montana: Billings, Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena,

KallsPELL, Lewistown, Miles City, Missoula, and Plentywood.

Nebraska: Alliance, Beatrice, Broken Bow, Chadron, Columbus, Fremont, Grand Island, Hastings, Kearney, Lincoln, McCook, Nebraska City, Norfolk, North Platte, Omaha, O'Neill, Scottsbluff, Sidney, Superior, Valentine, and York.

Nevada: Elko, Ely, Fallon, Las Vegas, and Reno.

New Hampshire: Berlin, Claremont, Concord, Durham, Hanover, Keene, Laconia, Manchester, Plymouth, and Portsmouth.

New Jersey: Atlantic City, Camden, Elizabeth, Newark, New Brunswick, Paterson, and Trenton.

New Mexico: Albuquerque, Clayton, Clovis, Deming, Gallup, Las Cruces, Las Vegas, Raton, Roswell, Santa Fe, Silver City, and Tucumcari.

New York: Albany, Binghamton, Buffalo, Dunkirk, Elmira, Glens Falls, Hornell, Ithaca, Jamestown, Kingston, Malone, Newburgh, New York, Ogdensburg, Olean, Oswego, Plattsburg, Poughkeepsie, Rochester, Schenectady, Syracuse, Troy, Utica, Watertown, and Yonkers.

North Carolina: Asheville, Chapel Hill, Charlotte, Durham, Gastonia, Goldsboro, Greensboro, Hickory, New Bern, Raleigh, Rocky Mount, Salisbury, Washington, Wilmington, and Winston-Salem.

North Dakota: Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Harvey, Jamestown, Kenmare, Mandan, Minot, New Rockford, Oakes, Valley City, Wahpeton, and Williston.

Ohio: Akron, Ashtabula, Athens, Canton, Chillicothe, Cincinnati, Cleveland, Columbus, Dayton, Ironton, Lima, Mansfield, Marietta, Portsmouth, Sandusky, Steubenville, Toledo, Youngstown, and Zanesville.

Oklahoma: Ada, Altus, Ardmore, Bartlesville, Chickasha, Enid, Guthrie, Hugo, Lawton, McAlester, Muskogee, Oklahoma City, Okmulgee, Shawnee, Stillwater, Tulsa, Vinita, and Woodward.

Oregon: Astoria, Baker, Bend, Corvallis, Eugene, Klamath Falls, La Grande, Marshfield, Medford, Pendleton, Portland, Roseburg, Salem, and The Dalles.

Pennsylvania: Altoona, Bethlehem, Chambersburg, Dubois, Easton, Erie, Harrisburg, Johnstown, Kittanning, Lancaster, Oil City, Philadelphia, Pittsburgh, Pottsville, Reading, Scranton, State College, Sunbury, Uniontown, Warren, Wellsboro, Wilkes-Barre, Williamsport, and York.

Puerto Rico: Mayaguez, Ponce, and San Juan.

Rhode Island: Narragansett, Newport, and Providence.

South Carolina: Aiken, Anderson, Beaufort, Camden, Charleston, Cheraw, Chester, Clemson College, Columbia, Florence, Georgetown, Greenville, Greenwood, Orangeburg, Rock Hill, Spartanburg, Sumter, and Union.

South Dakota: Aberdeen, Brookings, Chamberlain, Deadwood, Hot Springs, Huron, Lemmon, Madison, Milbank, Mitchell, Mobridge, Pierre, Rapid City, Redfield, Sioux Falls, Watertown, Winner, and Yankton.

Tennessee: Athens, Bristol, Chattanooga, Clarksville, Columbia, Elizabethton, Jackson, Johnson City, Knoxville, Memphis, Nashville, Paris, and Union City.

Texas: Abilene, Amarillo, Austin, Beaumont, Big Spring, Brownsville, Brownwood, Bryan, Cameron, Childress, Cisco, Clarendon, Corpus Christi, Corsicana, Dalhart, Dallas, Del Rio, El Paso, Fort Worth, Galveston, Greenville, Houston, Laredo, Longview, Lubbock, Lufkin, Marfa, Palestine, Pampa, Paris, Pecos, Perryton, San Angelo, San Antonio, Shamrock, Tyler, Waco, and Wichita Falls.

Utah: Cedar City, Logan, Ogden, Provo, and Salt Lake City.

Vermont: Brattleboro, Burlington, Middlebury, Montpelier, Newport, C. H., Rutland, St. Albans, C. H., and St. Johnsbury.

Virginia: Abingdon, Alexandria, Blacksburg, Bristol, Charlottesville, Clifton Forge, Lynchburg, Norfolk, Richmond, Roanoke, Staunton, and Winchester.

Washington: Aberdeen, Bellingham, Chehalis, Everett, Longview, Olympia, Pasco, Port Angeles, Port Townsend, Pullman, Raymond, Seattle, Spokane, Tacoma, Vancouver, Walla Walla, Wenatchee, and Yakima.

West Virginia: Bluefield, Charleston, Clarksburg, Elkins, Grafton, Hinton, Huntington, Martinsburg, Morgantown, Parkersburg, and Wheeling.

Wisconsin: Appleton, Ashland, Eau Claire, Fond du Lac, Green Bay, Janesville, La Crosse, Madison, Marinette, Milwaukee, Rhinelander, Stevens Point, Superior, and Wausau.

Wyoming: Casper, Cheyenne, Cody, Evanston, Jackson, Lander, Laramie, Rawlins, Rock Springs, and Sheridan.

§ 4.19 *Separate methods for mental qualifications.* There are three separate and distinct methods of qualifying mentally for admission to the Naval Academy and candidates are required to indicate the method by which they propose to qualify on a special form which will be provided by the Bureau of Naval Personnel. This information is essential as it is necessary that arrangements be made for mental examinations when required.

(a) Regular entrance examination (§§ 4.35-4.43 inclusive).

(b) Certificate and substantiating examination (§§ 4.44-4.57 inclusive).

(c) Certificate only (§§ 4.58-4.63 inclusive).

§ 4.20 *Limitations upon competitive candidates for appointment.* A candidate who is unable to qualify by either of the certificate methods may qualify by passing the regular entrance examinations in all the subjects listed in § 4.35. In cases where a Member of Congress specifically requires his nominees to take the regular examination in six subjects, or where the candidate is an applicant for appointment from any of the purely competitive sources, such as the Presidential appointees, those from the Navy and Marine Corps, those from the Naval and Marine Corps Reserves, and those from honor military schools and Naval Reserve Officers' Training Corps units, the certificate methods of qualifying may not be used.

§ 4.21 *Review work where candidate has failed.* In case where a candidate has failed on either the regular examination or the substantiating examination and submits a certificate subsequent to such failure, the following determines the consideration of such certificates: "Credits claimed for subjects on a certificate by a candidate who has registered a failure in those subjects on a regular or substantiating examination cannot be allowed. To overcome the certain disallowance of such credits the submitted certificate must show that the subjects on which he failed have been reviewed at some duly accredited school subsequent to such failure. Such review work must be done in regular school course and the marks assigned must meet the requirements of the academic board." Post-graduate work in secondary school or college work in advanced related branches of the failed subject or sub-

jects may be offered in lieu of review work.

(The academic board has established 60 clock hours of classroom work as its minimum for a half year's work in secondary school and 120 clock hours as its minimum for a full year's work. In regard to college work, the board requires approximately 50 clock hours, or 3 semester hours of credit, for a half year's work, and 100 clock hours, or 6 semester hours, for a full year's work.)

§ 4.22 *Number of alternates.* The number of alternates that may be nominated for any one vacancy for midshipman shall be restricted to three. Alternates are given the privilege of reporting for mental examination at the same time with the principal. In lieu of a principal and three alternates, four candidates may be nominated to take the regular entrance examination on a competitive basis, the one passing highest to receive the principal appointment. Regardless of method of qualifying mentally the number of candidates designated for any one vacancy must be limited to four.

§ 4.23 *Examination of candidates by certificate and substantiating examination.* Those candidates entering by certificate and substantiating examination will take the substantiating examination in February or April. Normally, no examination will be held later than the third Wednesday in April. The large number of midshipmen to be instructed and drilled during the summer months makes this rule necessary, and it is to the great advantage of the new midshipmen themselves. The summer months are utilized in preliminary instruction in professional branches and drills, such as handling boats under oars and sail, and in seamanship, gunnery, and infantry drills. These practical exercises form excellent groundwork for the academic course.

§ 4.24 *Preparation of examination papers.* The examination papers used in all examinations are prepared at the Naval Academy and the examinations of candidates are finally passed upon by the academic board. No candidate shall be admitted unless, in the opinion of the academic board, he shows the requisite mental qualifications.

§ 4.25 *Limitation upon reexamination.* Under the law candidates failing to pass the entrance examinations cannot be allowed another examination for admission to the same class unless recommended for reexamination by the academic board.

§ 4.26 *Requirements for second examination.* A candidate who takes a second regular examination after having failed in one or more subjects on a previous regular examination is required to be examined again in all the required subjects. The fact that he had previously passed in certain subjects on the first examination does not affect this rule. A candidate who fails in the substantiating examination but is recommended by the academic board for another examination for admission the

same year must take the regular examination.

§ 4.27 *Waiver of mental examination upon reappointment.* Candidates who have successfully passed the regular entrance examination or who have qualified for admission by either of the certificate methods of qualifying mentally will not be required again to qualify mentally in the event of reappointment.

§ 4.28 *Correspondence relative to examinations.* The Civil Service Commission merely conducts the examination of candidates whose names have been furnished by the Navy Department. All correspondence relative to the nomination and examination of candidates should be addressed to the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 4.29 *When successful candidates must enter Naval Academy.* Candidates will be required to enter the academy immediately after passing the prescribed mental and physical examinations, or at such times as the Secretary of the Navy may designate.

§ 4.30 *No annual leave granted first year students.* Annual leave of absence during September will not be granted to midshipmen of the fourth class (first year students).

§ 4.31 *Physical examinations; where and by whom.* (a) Candidates will be given the regular physical examination at the Naval Academy, Annapolis, Md., only, by a board composed of medical officers of the Navy.

(b) Physical examinations will habitually be held at the following times: For candidates mentally examined in February, April, or in a previous year, at a date designated by the Superintendent of the Naval Academy, and the Bureau of Naval Personnel will inform each candidate when to present himself for physical examination. The usual time for the physical examination is the second or third week in June of each year. The examinations begin at this time and continue until all candidates are examined.

PHYSICAL REQUIREMENTS

§ 4.32 *General physical requirements for admission.* Candidates are required to be physically sound, well formed, and of robust constitution.

§ 4.33 *Disqualifying defects.* Candidates presenting themselves for admission to the United States Naval Academy shall be rejected by the examining surgeon for any one of the following conditions:

(a) *General disqualifications.* (1) Any acute disease. (2) Mental infirmities: Insanity, idiocy, imbecility, dementia, feeble-mindedness, or history thereof. (3) Moral infirmities: Intemperance in the use of stimulants or narcotics, evidence of felony, masturbation, sodomy. (4) Diseases of the cerebrospinal system: Epilepsy, chorea, all forms of paralysis, tabes dorsalis, neuralgia, stuttering, or other impediment of speech. (5) Constitutional diseases: Feebleness of constitution, poor physique, impaired general health, suspected tuberculosis,

endocrinopathies, including diabetes mellitus or insipidus; syphilis. All applicants for the Naval Service shall be subjected to a serologic test for syphilis. A persistently positive serologic reaction will be cause for rejection.

(b) *Special disqualifications*—(1) *The skin.* All acute, chronic, contagious, and parasitic diseases of the skin, extensive nevi, deep and adherent cicatrices, chronic ulcers, vermin.

(2) *The head.* Abnormally large head; considerable deformities, the consequence of fracture; serious lesions of the skull; the consequences of complicated wounds or the operation of trephining; caries and exfoliation of the bone; injuries of cranial nerves; tinea capitis; alopecia; perforation or marked deviation of nasal septum, ozena, nasal polypi, chronic nasal catarrh.

(3) *The spine.* Caries, spina bifida, lumbar abscess, rickets, fracture and dislocation of the vertebrae, angular curvatures, including gibbosity of the anterior and posterior parts of the thorax.

(4) *The ears.* Deafness of one or both ears; all catarrhal and purulent forms of acute and chronic otitis media; polyp and other growths or diseases of the tympanum; perforation of the tympanum; closure of the auditory canal, partial or complete, except from acute abscess, furuncle, or impacted cerumen; malformation or loss of the external ear and all diseases thereof, except those which are slight and nonprogressive.

(5) *The eye.* Loss of eye; total loss of sight of either eye; conjunctival affections, including trachoma, entropion, opacities of the cornea, if covering a part of a moderately dilated pupil; pterygium, if encroaching on the cornea; strabismus; hydrophthalmia; exophthalmia, conical cornea; cataract; loss of crystalline lens; diseases of the lachrymal apparatus; ectropion, ptosis, incessant spasmodic motion of the lids; adhesion of the lids; large encysted tumors; abscess of the orbit; muscular asthenopia; nystagmus. Any affection of the globe of the eye or its contents; defective vision, including anomalies of accommodation and refraction; myopia; hypermetropia or hypermetropic astigmatism, if accompanied by asthenopia; amblyopia; glaucoma; diplopia; defective color perception.

(6) *The face.* Extensive nevi, unsightly hairy spots, extensive cicatrices on the face.

(7) *The mouth, fauces, and nose.* Harelip, simple, double, or complicated; loss of the whole or a considerable part of either lip; unsightly mutilation of the lips from wounds, burns, or disease; loss of the whole or part of either maxilla; ununited fractures; ankylosis; deformities of either jaw interfering with mastication or speech; loss of certain teeth; cancerous or erectile tumors; hypertrophy or atrophy of the tongue; mutilation of the tongue, adhesions of the tongue; chronic ulcerations, fissures, or perforations of the hard palate; salivary or buccal and thyroglossal fistulae; hypertrophy of the tonsils sufficient to interfere with respiration or phonation, Malformation, or deformities of the nose

that interfere with speech or breathing, or extensive ulcerations; perforated nasal septum; nasal obstruction due to septal deviation, hypertrophic rhinitis, or other causes, if sufficient to produce mouth breathing; acute or chronic inflammation of the accessory sinuses of the nose, polyps, or hay fever; chronic atrophic rhinitis, if marked and accompanied by ozena.

(8) *The neck.* Goiter, scrofulous adenitis of the cervical glands, tracheal openings, thyroglossal or cervical fistulae, wry neck, chronic laryngitis, or any other disease of the larynx which would produce aphonia, stricture of the esophagus.

(9) *The chest.* Malformation of the chest or badly united fracture of the ribs or sternum sufficient to interfere with respiration, caries of necrosis of ribs, deficient expansive mobility, evident predisposition to tuberculosis, chronic pneumonia, emphysema, chronic pleurisy, pleural effusions, chronic bronchitis, asthma, including hay fever or history thereof, organic diseases of the heart or large arteries, serious protracted functional derangement of the heart, or distinct predisposition to diseased heart or lungs.

(10) *The abdomen.* All chronic inflammations of the gastrointestinal tract, including diarrhea and dysentery; diseases of the liver or spleen, including those caused by malaria; absence of spleen; ascites; obesity; hemorrhoids; prolapsus ani; fistula in ano; marked fissures of the anus; hernia in all situations; tumors; wounds, injuries, cicatrices, or muscular ruptures of the abdominal walls sufficient to interfere with function; gastro-enterostomy; ptosis of stomach or intestines.

(11) *Genito-urinary organs.* Acute or chronic nephritis; blood, pus, or albumin in the urine, if persistent; glycosuria if persistent; floating kidney; hydronephrosis, pyonephrosis, pyelitis, tumors of the kidney, or renal calculi; absence of one kidney; acute or chronic cystitis; vesical calculi, tumors of the bladder, incontinence of urine, enuresis, or retention of urine; hypertrophy or abscess of the prostate gland, or chronic prostatitis; urethral stricture or urinary fistula; epispadias or hypospadias; phimosis when prepuce is adherent in whole or in part to the glands; hermaphroditism; varicocele, if large and painful, or hydrocele; pronounced atrophy of both testicles or loss of both; undescended testicle; infantile genital organs; chronic orchitis, or epididymitis; syphilis in any stage or clearly defined history thereof; gonococcus infections, acute or chronic (including gonorrhoeal arthritis); chancre, or buboes.

(12) *Affections common to both the upper and lower extremities.* Chronic rheumatism; chronic diseases of joints or movable cartilage; acquired or congenital deformities, such as old or irreducible dislocations or false joints; severe sprains; relaxation of the ligaments or capsules of joints; dislocations; fistulae connected with joints or any part of bones; effusions into joints; badly united or nonunited fractures; defective

or excessive curvature of the long bones; rickets; caries; necrosis; exostoses; atrophy or paralysis of a limb; extensive, deep, or adherent cicatrices, especially of burn; contraction or permanent retraction of a limb or portion thereof; loss of a limb or portion thereof.

(13) *The upper extremities.* Acquired or congenital deformities, such as fracture of the clavicle, fracture of the radius and ulna; webbed fingers; permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts; mutilation or loss of either thumb or index finger; loss of more than one phalanx of the right index finger; loss of the terminal and middle phalanges of any two fingers on the same hand; entire loss of any finger except the little finger of either hand, or the ring finger of the left hand.

(14) *The lower extremities.* Acquired or congenital deformities, such as varicose veins; knock-knees; clubfoot; flat foot when accompanied with symptoms of weak foot or when the foot is weak on test; pronounced cases of flat foot attended with decided eversion of the foot and marked bulging of the inner border due to inward rotation of the astragalus, are disqualifying, regardless of the presence or absence of subjective symptoms; webbed toes, the bad toes double or branching; the great toe crossing the other toes; hammer toe, bunions, large corns; overriding or superposition of any of the toes to an extreme degree; loss of a great toe; loss of any two toes of the same foot; permanent retraction of the last phalanx of any of the toes or flexion at a right angle of the first phalanx of a toe upon the second, with ankylosis of the articulation; ingrowing of the nail of the great toe; bromidrosis; chronic ulcers.

§ 4.34 *Specific physical requirements for admission—(a) Acuteness of vision.*

(1) Each candidate on entrance to the Naval Academy must have normal or 20/20 vision in each eye and must submit to refraction under a cycloplegic. Any degree of myopia or myopic astigmatism shall cause rejection of the candidate.

(2) No member of the graduating class whose vision falls below 18/20 in each eye without the aid of lenses, shall be commissioned. During the period of service any midshipman whose vision in either eye falls below 18/20 without the aid of lenses may be found physically disqualified for continuance. Defective vision due to diseases of the eye grounds shall be cause for rejection at any time. These requirements are considered necessary in order to graduate midshipmen with eyesight which does not require glasses when on sea duty.

(b) *Color perception.* It is essential that all candidates for midshipmen have a normal color sense. They are required to pass satisfactorily the complete Pseudo-Isochromatic Plates, American Optical Co., 1940. The numerals on the plates should be read promptly and the candidate not allowed to trace them.

(c) *Hearing.* Hearing must be normal for each ear by the watch (40/40) and the whispered voice (15/15). Any

chronic disease of the external, middle, or internal ear will be sufficient cause for rejection. The voice is a more reliable method of determining the acuteness of hearing than the ticking of an ordinary watch, as it allows for variations in hearing, with the modifications produced by changes in pitch and tone. Hearing in each ear must be normally acute to the spoken and whispered voice. In examining acuteness of hearing with the voice, one ear of the candidate should be closed while the other ear is being examined, and his eyes should be covered to prevent lip reading.

(d) *Teeth.* (1) Every candidate shall be examined by a naval dental officer, who shall make a separate report in each case of his findings and recommendations to the president of the board of medical examiners.

(2) A candidate shall not be accepted unless he shall have a minimum of 20 vital serviceable permanent teeth including 4 opposed molars, 2 of which are directly opposed on each side of the dental arch, and 4 directly opposed incisors. The required number of teeth shall be in normal occlusion or in such position of slight deviation from normal occlusion as to serve the purpose of efficient incision and mastication without the insertion of prosthetic appliances and without causing a defect in enunciation.

(3) Edentulous spaces in the dental arch causing wide separation of the continuity of the incising and masticating surfaces shall cause rejection. Prosthetic appliances are not considered as substitutions for natural sound teeth, unless in excess of the 20 vital sound serviceable permanent teeth required. Unerupted teeth will not be included in the 20 vital sound serviceable permanent teeth required. Natural teeth supporting fixed or removable prosthetic appliances (crowns or dentures) will be considered as sound and serviceable only when they are vital, in normal healthy condition and supported by healthy tissue. Extraction is indicated for all carious teeth incapable of receiving treatment and restoration.

(4) Teeth shall be free from calculus, all restorations of the highest standard, the oral soft tissue in a state of normal health, and the general appearance of the mouth indicative of the practice of strict personal hygiene. All required dental treatment, restorations, and replacements must be obtained prior to entrance to the Naval Academy.

(5) *Explanation of standards.* (i) A vital tooth is a tooth containing a vital dental pulp.

(ii) A serviceable tooth is one which is fully effective functionally, is free from advanced disease, is adequately supported by normal tissues, and does not have a faulty restoration, crown, or bridge attachment.

(iii) A permanent tooth is a natural tooth of the normal second dentition. Deciduous and supernumerary teeth shall not be included.

(iv) An opposed tooth is one that comes into functional contact with one or more teeth of the opposite arch.

(v) A vital tooth which is carious to a limited extent and which is otherwise serviceable and which can be restored satisfactorily without endangering the dental pulp may be counted as a serviceable tooth. Appointees as midshipmen must have had all carious teeth restored or extracted.

(vi) A bicuspid may not be counted as a molar nor may a cuspid be counted as an incisor.

(vii) An abutment tooth (a natural tooth to which a bridge is attached) may be counted as serviceable only when the pulp is vital, the tooth is sound, supported by healthy tissue, is in useful occlusion, and the bridge attachment is well designed and in good condition.

(6) *Causes for rejection.* The following conditions are causes for rejection:

(i) The loss of teeth in excess of the standards noted in above paragraphs.

(ii) Marked protrusion or retrusion of the mandible.

(iii) Marked deformity of the maxillae or mandible.

(iv) Marked malocclusion.

(v) Dento-facial deformity.

(vi) Lack of serviceable occlusion.

(vii) Overbite with impingement of lower teeth upon upper gingiva.

(viii) Numerous or wide spaces that are edentulous (without natural teeth).

(ix) Extensive or numerous unsatisfactory restorations by fillings, inlays, crowns, bridges, or dentures.

(x) Teeth generally unserviceable because of insufficient size or poor formation.

(xi) Teeth generally involved with caries.

(xii) Teeth generally unsound or unsightly because of faulty calcification.

(xiii) Pulpless teeth with defective or no pulp canal fillings.

(xiv) Apical or extensive pericemental areas of infection.

(xv) Teeth carious beyond restoration.

(xvi) Large deposits of salivary calculus.

(xvii) Advanced or extensive pyorrhea alveolaris.

(xviii) Infectious disease of the soft tissues, including Vincent's stomatitis.

(xix) Syphilitic lesions.

(xx) Malignant tumors.

(xxi) Benign tumors or cysts likely to enlarge.

(e) *Urinalysis.* A careful urinalysis (including microscopical examination) shall be made in each case, and a quantitative examination, when practicable, if albumen or sugar is present. The urine examined should have a specific gravity of at least 1010. See § 4.33 (b) (ii) for disqualifying defects.

(f) *Blood pressure.* In persons under 25 years of age, a persistent systolic pressure of or above 140, or a persistent diastolic pressure of 95 or over, before or after exercise, is a cause for rejection.

(g) *Height.* The minimum height required for all candidates for admission shall be not less than 5 feet 5½ inches, regardless of age. A height of more than 6 feet 4 inches is a cause for rejection.

(h) *Preliminary examination in certain cases.* (1) Medical officers are re-

quired to examine physically any candidate for the Naval Academy who may appear with a letter from a Member of Congress so requesting. Special attention will be given to the following defects or disabilities: Flat foot (causing symptoms); defective vision, color perception, or hearing; insufficient and defective teeth, heart or lung trouble; and disease of the kidneys. The candidate should be informed of the result of the examination, and a copy of the report of examination shall be forwarded to the Member of Congress concerned, and a duplicate report to the Bureau of Naval Personnel. Each examination report shall show the name of the Senator or Representative requesting the examination. The candidate should be informed that the examination is only preliminary and that his final fitness for the Naval Academy will be determined by a board of medical examiners after he has passed the mental examination.

TABLE OF STANDARDS FOR MIDSHIPMEN (MINIMUM)

Age	Height	Weight	Chest at expiration	Expansion required
	<i>Inches</i>	<i>Pounds</i>	<i>Inches</i>	<i>Inches</i>
17 years..	65½ and under 68..	114	31	2
	68 and under 70.....	119	31½	2
	70 and under 72.....	125	32	2½
	72 to 76.....	130	32	2½
18 years..	65½ and under 68..	119	32	2
	68 and under 70.....	124	32½	2½
	70 and under 72.....	130	32½	2½
	72 to 76.....	135	32½	2½
19 years..	65½ and under 68..	124	32½	2
	68 and under 70.....	129	33	2½
	70 and under 72.....	135	33½	2½
	72 to 76.....	140	33½	2½
20 years..	65½ and under 68..	129	32½	2
	68 and under 70.....	134	33	2½
	70 and under 72.....	140	33½	2½
	72 to 76.....	148	34½	2½

(2) Medical examiners should bear in mind that the primary object of this examination is to eliminate those who are obviously disqualified rather than to give assurance to any candidates that they will subsequently pass the official examination. For example, candidates who appear with rapid heart action, without organic lesion, should be informed that unless such condition is temporary they will probably be rejected. Candidates having varicocele, causing symptoms, hemorrhoids, varicose veins, or other surgical defects of remediable nature, should be informed that they will probably be rejected unless these defects are corrected by operation, and that sufficient time should elapse after operation to insure a cure of the condition.

(3) In every border-line case wherein the examiner himself is uncertain as to the outcome, candidates and Members of Congress should be clearly informed that the case is a doubtful one.

(4) A high standard of physical excellence is essential in the cases of all candidates presenting themselves for admission to the Naval Academy, and medical officers should always keep in view the fact that the future physical efficiency of officers of the Navy will depend largely upon the manner in which this important and exacting duty is performed.

MENTAL REQUIREMENTS

§ 4.35 *General mental requirements for admission.* Candidates who do not submit acceptable certificates and those required by type of appointment to take the regular examination will be examined mentally in English composition and literature, United States history, algebra (through quadratics and including the progressions and binomial theorem, elementary theory of logarithms and numerical trigonometry (the use of the sine, cosine, and tangent in solving right triangles), plane geometry and solid geometry, physics (one year's work), and chemistry (one year's work). Deficiency in any one of these subjects will be sufficient to insure the rejection of the candidate. Maximum mark, 4; passing mark, 2.50.

§ 4.36 *Specific mental requirements for admission; English composition and literature.* The examination, which presupposes 3 years of study of English in a secondary school, will consist of two parts having equal weight:

(a) The first part is of the objective type of examination and is similar to those published by the American Council on Education and to the Purdue test. This section tests grammatical usage, capitalization, punctuation, spelling, vocabulary, reading ability, and sentence style and structure. There are two matching questions on the candidate's general knowledge of English and American literature. The time allowed for this section is 90 minutes.

(b) The second part consists of paragraph construction and theme writing on a choice of literary subjects in order to measure the candidate's writing ability from a qualitative standpoint. Thirty minutes is allowed for this part of the examination.

(c) A special test of similar nature will be given to candidates from Latin American countries.

(d) For questions in literature, the Naval Academy recommends that the candidate read and study works of recognized excellence in each of the following groups: (1) Drama, (2) prose narrative, (3) poetry, (4) essays, biographies and miscellaneous prose. It is important that he should have an acquaintance with traditionally great literature and with recognized literary types.

§ 4.37 *Specific mental requirements for admission; United States history.* The examination will consist of two parts having equal weight:

(a) The first part is of the objective type and is similar to the test given by the American Council on Education and to the Purdue test. It contains eighty multiple choice questions and a matching question of 20 items. The time allowed for this part is 80 minutes.

(b) The second part consists of a theme or composition question on a choice of historical subjects. The time allowed for this second part is 40 minutes.

(c) The examination in this subject may include questions concerning the

early settlements in this country; the forms of government in the Colonies; the causes, leading events, and the result of wars; territorial expansion and industrial growth, including map studies; the Constitution of the United States; the policy of the United States in foreign affairs, tariff, currency, trusts, labor, immigration, and other present-day problems; and the lives and public service of great Americans.

§ 4.38 *Specific mental requirements for admission; algebra.* The examination in algebra will include questions and problems upon the fundamental operations, factoring, fractions, the meaning and use of formulas, graphical representation, linear equations, simplification of expressions involving surds, the solution and theory of quadratic equations, problems involving the formation of simple and quadratic equations, exponents, radicals, elementary theory and use of logarithms, variation, progressions, binomial theorem for positive integral exponents, the solution of simple types of equations of degree higher than the second, numerical trigonometry—the use of the sine, cosine, and tangent in solving right triangles. The requirements are fully covered in "Modern High School Algebra" by Wells and Hart, D. C. Heath Co., New York, "First and Second Year Algebra (Combined)" by Hawkes, Luby, and Touton, Ginn & Co., New York, "Second Course in Algebra" by Stone and Mallory, Benj. H. Sanborn & Co., Chicago, and other standard high-school algebras; omitting determinants.

§ 4.39 *Specific mental requirements for admission; plane and solid geometry.* The examination in geometry will cover the standard propositions in plane and solid geometry and their use in the solution of numerical problems. Candidates will be required to demonstrate propositions, including original theorems and loci problems, and to solve original exercises by construction or computation. The requirements are fully covered in "Plane and Solid Geometry" by Wells and Hart, D. C. Heath Co., New York, "Essentials of Plane and Solid Geometry" by D. E. Smith, Ginn & Co., New York, "Plane and Solid Geometry" by Stone and Mallory, Benj. H. Sanborn & Co., Chicago, and other standard texts.

§ 4.40 *Specific mental requirements for admission; physics.* (a) The examination will be based on the topics listed under the certificate requirements (§ 4.56 (a)). This examination will consist of two parts having equal weight. Part I will be composed of approximately fifty multiple choice questions; Part II will consist of approximately five problems. Full instructions will be included in the entrance examination questions. No laboratory work will be required, but some of the questions will be based on subject matter of which the candidate will have better knowledge from having performed experiments. The candidate will be required to know the following physical constants: Conversion factors from English to metric system (2.2 lbs./

kgm.; 39.37 in./m.); density of mercury (13.6 gm./cm.³); acceleration due to gravity (32.2 ft./sec.², 980 cm./sec.²); density of water (62.4 lbs./ft.³); value of horsepower (550 ft. lbs./sec., 746 watts); melting and boiling points of water; absolute zero (-273° C.); heat of fusion of ice (80 cal./gm.); heat of vaporization of water (539 cal./gm.); mechanical equivalent of heat (778 ft. lbs./B. t. u.); speed of sound at 0° C. (1,087 ft./sec.).

(b) In preparation for the examination any of the following textbooks are recommended, as the subject matter covered in these is sufficient to meet the requirements: Millikan, Gale, and Coyle, "New Elementary Physics," Ginn (1936); Black and Davis, "Elementary Practical Physics," Macmillan (1938); Fuller, Brownlee, and Baker, "First Principles of Physics," Allyn and Bacon (1937); Duff and Weed, "Elements of Physics," Longmans (1928); Dull, "Modern Physics," Holt (1939); Henderson, "New Physics in Everyday Life," Lyons and Carnahan (1935); Hausmann and Slack, "Physics," Naval Academy Edition, Van Nostrand (1941).

§ 4.41 *Specific mental requirements for admission; chemistry.* The examination in chemistry will consist of two parts having equal weight. Part I will be composed of approximately fifty multiple choice questions; Part II will be composed of approximately five problems. The multiple choice questions will be based on the topics of theoretical and descriptive chemistry listed under the certificate requirements in § 4.57. Full instructions will be included with the entrance examination questions. No laboratory work will be required, but some of the questions will be based on subject matter of which the candidate will have a better knowledge from having performed experiments. A part of the examination will consist of simple problems based upon the subject matter of the requirements. The candidate will be required to know the symbols of the elements listed in § 4.57 (b) and be familiar with their use in writing chemical formulas and equations. Atomic weights of the elements will be given when required. The following three constants must be known: Absolute zero (-273° C.), gram molecular volume (22.4 liters), and the density of air (1.29 grams per liter) at standard conditions. The candidate should have a working knowledge of the metric system, involving kilograms, grams, liters, milliliters, and cubic centimeters. The subject matter of the examination is adequately covered by the following textbooks: Dull, "Modern Chemistry," Henry Holt and Co., New York; Black and Conant, "New Practical Chemistry," The Macmillan Co., New York; McPherson, Henderson, and Fowler, "Chemistry of Today," Ginn and Co., New York; and others of similar standard.

§ 4.42 *Regular mental examination for admission; time schedule.* The following time schedule is published for the information and guidance of those concerned:

TIME SCHEDULE, REGULAR MENTAL EXAMINATIONS

Time	Subject
First day:	
80 minutes....	Fill out declaration sheet (9:30 to 10 a. m.).
2 hours.....	1. United States history (10 a. m. to 12 m.).
2 hours.....	2. English (2 to 4 p. m.).
Second day:	
3 hours.....	3. Algebra (9 a. m. to 12 m.).
2 hours.....	4. Physics (1 to 3 p. m.).
Third day:	
3 hours.....	5. Plane and solid geometry (9 a. m. to 12 m.).
2 hours.....	6. Chemistry (1 to 3 p. m.).

CERTIFICATE METHODS OF ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

§ 4.44 *Privilege of certificate methods of admission.* Admission by either of the certificate methods is a privilege which the academic board may accord those it considers, on the basis of the school records presented, to be worthy of the exemptions entailed and to be capable of pursuing the Naval Academy course successfully. Candidates who fail to meet the certificate requirements have the right to demonstrate their qualifications by passing the regular examination described in §§ 4.35-4.43.

(a) The academic board will consider and may admit candidates who instead of taking the regular examination, present certificates conforming to the requirements of subparagraphs (1) or (2) of this paragraph, and prove these certificates by passing the substantiating examination, which is limited to mathematics and English. The academic board, however, reserves the right to reject the certificate of any candidate whose assigned grades create doubt as to his ability to pursue the course at the Naval Academy successfully. Acceptable college credits may be considered in combination with secondary school credits for the purpose of establishing an acceptable secondary school certificate.

(1) A properly attested certificate (Form II) that the candidate has graduated from an accredited secondary school, indicating that he has in his school work shown proficiency in subjects amounting to not less than $9\frac{1}{2}$ required units and at least $5\frac{1}{2}$ optional units of the list given in § 4.51.

(i) If a scrutiny of the certificate submitted shows evidence of low grades, or of grades below the standards of acceptance set by higher institutions to which the certifying school is accredited, the certificate will be rejected.

(ii) A certificate showing graduation at an irregular date will be rejected; that is, at a date other than the regular date set for the graduation of the class of which the applicant is a member.

(iii) When the credits submitted have been obtained in more than one secondary school, it is advisable to have the credits and marks obtained at the previous school reported to the later school for incorporation in the final certificate. If this is impracticable, the candidate will be permitted to forward certificates from each institution to be judged together.

(2) A properly attested certificate from the College Entrance Examination Board that the candidate has shown proficiency in the examinations set by the board in subjects amounting to $9\frac{1}{2}$ required and $5\frac{1}{2}$ optional units of the list given in § 4.51. If a scrutiny of the certificate submitted shows scores lower than the minimum set by the academic board, the certificate will be rejected. The Naval Academy will not allow a combination of College Entrance Examination Board credits and secondary school credits. The certificate must be wholly of one or the other.

(b) The secondary school certifying the candidate stands sponsor for his success (see p. 4 of certificate Form II for penalty system), and it is expected that the responsible school authority will recommend only those candidates who, in his or her opinion, possess the scholastic background and the qualities of character essential to success in an exacting collegiate course largely along engineering lines and where the basic training for effective leadership is of paramount importance.

(c) In order to facilitate the comparison of admission requirements with one another the academic board has given its approval to the following statement formulated by the National Conference Committee on Standards of Colleges and Secondary Schools descriptive of a unit of admission requirements:

(1) A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work.

(2) This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than one hundred and twenty 60-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit. Not more than the $1\frac{1}{2}$ units of credit can be allowed for work done in fully accredited night high schools or in fully accredited schools of comparable character where the classes meet other than in regular day school hours. No credit will be allowed in a certificate, or as evidence of review to offset low grades or a failure on our entrance examinations, for work done in correspondence courses, under a tutor, or in nonaccredited schools.

(3) The acceptance or rejection of a certificate will depend on the evidence it shows as to the thorough completion of the work submitted. The records made in the academy by midshipmen admitted by certificate will influence the academic board in its future consideration of certificates submitted by the

schools or colleges from which these midshipmen come. Final decision as to the acceptance or rejection of any certificate rests with the academic board. A certificate will not be formally considered unless submitted on one of the above-noted forms. All work essential to the acceptance of the certificate or certificates must have been completed by the end of the regular school year in order to establish eligibility for admission to the Naval Academy in that year. Summer school work will not be accepted for entry in the year in which it is completed. High school and college certificates should be submitted to the Superintendent of the Naval Academy as early as practicable, and not later than July 1 for the class entering that year (see § 4.48). As soon as nominated each candidate will receive copies of the certificates forms from the Bureau of Naval Personnel. Only candidates nominated as principals or alternates are eligible to submit certificates. For additional forms, address the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 4.45 *When substantiation is required, and time schedule of substantiating examinations.* (a) The acceptance of a secondary school certificate will not admit a candidate without substantiation by an examination in mathematics and English.

(b) The substantiating examination will normally be held on the third Wednesday in February and the third Wednesday in April of each year at the points mentioned in § 4.18, to which points the candidate must proceed at his own expense when directed by the Bureau of Naval Personnel.

§ 4.46 *Scope of substantiating examination.* This examination will be of the scope indicated below:

(a) *Mathematics.* The substantiating examination in mathematics will cover mathematics A1, mathematics A2, mathematics C, and mathematics D. It will be broad and general in character, designed to cover basic principles of the subjects. The candidate should provide himself with ruler and compasses. (See definitions under mathematics, § 4.53 (a), (b), (d) and (e). Study these definitions carefully.)

(b) *English.* The substantiating examination in English will be the same as the regular examination in this subject. See § 4.36 for description.

§ 4.48 *Certificates may be submitted prior to graduation from secondary school.* A candidate may submit a certificate in advance of his graduation, upon which an informal opinion as to its probable eventual acceptance or rejection will be rendered. A certificate submitted prior to graduation which is acceptable except for graduation will be accepted conditional upon his fulfilling this requirement.

§ 4.49 *Decision as to which examination candidate will take.* (a) These informal reviews and conditional acceptances permit candidates to decide with

reasonable definiteness whether to take the substantiating examination or to take the regular examination in February or April, both types of examination being given at the same time. The decision as to which examination the candidate will take rests with the candidate himself. As this decision should be based upon the action taken on his certificate, he should submit the certificate to the Naval Academy as far in advance of the examination date as is possible.

(b) A certificate submitted for a candidate who has additional subjects in course for which final marks have not been assigned should indicate clearly the subjects that are still being pursued together with an average of the marks assigned in each subject in course at the time of the submission of the certificate.

§ 4.50 *Substantiating examination; time schedule.* Normally no substantiating examination will be held later than the third Wednesday in April.

TIME SCHEDULE

Time	Subject
Wednesday: 30 minutes.....	Fill declaration sheet (9:30 to 10 a. m.).
3 hours.....	Mathematics (10 a. m. to 1 p. m.).
2 hours.....	English (2 to 4 p. m.).

§ 4.51 *Subject weights of units.* (a) The list of subjects and of the corresponding weights in units is as follows:

Required subjects.....	9½
Optional subjects.....	5½
Total units needed for an acceptable certificate.....	15

Candidates are not admitted on condition.

(b) Every certificate must show evidence of proficiency in nine and one-half units of required subjects and five and one-half units of optional subjects chosen from the following:

	Designation	Maximum units allowed
Group I:		
English (maximum of three units allowed and required)—		
English I.....	I	3
English II.....	II	3
English III.....	III	3
English IV.....	IV	3
Group II:		
Mathematics (three and one-half units required of which at least one and one-half must be algebra, one plane geometry, and one-half solid geometry; units in excess of three and one-half count as optional)—		
Algebra to quadratics.....	A1	1
Algebra, quadratics and beyond.....	A2	1
Algebra, advanced.....	B	½
Plane geometry.....	C	1
Solid geometry.....	D	½
Plane trigonometry.....	E	½
Higher mathematics.....	F	½
Group III:		
History (one unit of United States history required; other units count as optional)—		
History, ancient.....	A	1
History, European.....	B	1
History, English.....	C	1
History, United States.....	D	1
History, modern European.....	E	1
History, World.....	F	1

	Designation	Maximum units allowed
Group IV:		
Sciences, drawing, and languages (one unit of physics and one unit of chemistry required; other units count as optional)—		
Physics (recitation, laboratory), first year.....	I	1
Physics (recitation, laboratory), second year.....	II	1
Chemistry (recitation, laboratory), first year.....	I	1
Chemistry (recitation, laboratory), second year.....	II	1
Biology (recitation, laboratory).....	I	1
General science (recitation, laboratory).....	I	1
Psychology.....	I	1
Mechanical drawing, first year.....	I	1
Mechanical drawing, second year.....	II	1
French, first year.....	I	1
French, second year.....	II	1
French, third year.....	III	1
Spanish, first year.....	I	1
Spanish, second year.....	II	1
Spanish, third year.....	III	1
German, first year.....	I	1
German, second year.....	II	1
German, third year.....	III	1
Italian, first year.....	I	1
Italian, second year.....	II	1
Italian, third year.....	III	1
Latin, first year.....	I	1
Latin, second year.....	II	1
Latin, third year.....	III	1
Latin, fourth year.....	IV	1
Group V:		
Miscellaneous (all units count as optional)—		
Physical geography (recitation, laboratory).....		1
Botany (recitation, laboratory).....		1
Zoology (recitation, laboratory).....		1
Geology.....		1
Astronomy.....		1
Physiology.....		1
Civics.....		1
Problems of democracy.....		1
American problems.....		1
Citizenship.....		1
Sociology.....		1
Social science.....		1
Current events.....		1
Commercial law.....		1
Commercial history.....		1
Commercial arithmetic.....		1
Commercial geography.....		1
Economics.....		1
Economic history.....		1
Economic geography.....		1
Industrial problems.....		1
Public speaking.....		1
Elementary law.....		1
Advanced arithmetic.....		1
Manual training.....		1

Such other standard subjects as are included in the usual high school or collegiate courses under the general divisions of: Language, mathematics, philosophy, science, economics, and law will be allowed. Subjects such as penmanship, stenography, typewriting, bookkeeping, Bible, free-hand drawing, music, drill, agriculture, teacher training, and student activities will not be allowed.

§ 4.52 *Definition of unit.* The definition of unit and of the ground covered by the designated subjects is that of the College Entrance Examination Board. Credits must correspond to the unit values of the respective subjects. Greater credit than indicated will not be allowed; less credit will be understood as evidence that the entire subject has not been completed.

§ 4.53 *Definition of subjects and weights; mathematics—*(a) *Algebra to quadratics (one unit).* (1) The four fundamental operations for rational algebraic expressions.

(2) Factoring, determination of highest common factor and lowest common multiple by factoring.

(3) Fractions, including complex fractions, and ratio and proportion.

(4) Meaning, use, and evaluation of formulas.

(5) Graphical representation.

(6) Linear equations, both numerical and literal, containing one or two unknown quantities.

(7) Problems depending on linear equations.

(8) Radicals, including the extraction of the square root of polynomials and of numbers.

(9) Exponents, including fractional and negative.

(10) Numerical trigonometry—the use of the sine, cosine, and tangent in solving right angles.

(b) *Quadratics and beyond (one unit)*.
(1) Quadratic equations, both numerical and literal.

(2) Simple cases of equations with one or more unknown quantities that can be solved by the methods of linear or quadratic equations.

(3) Problems depending on quadratic equations.

(4) Graphical solution of quadratic equations.

(5) Simultaneous equations in three unknowns.

(6) The solution of simple cases of equations of degree higher than the second.

(7) Elementary theory and use of logarithms. Variation.

(8) The binomial theorem for positive integral exponents.

(9) The formulas for the n th term and the sum of the terms of arithmetic and geometric progressions, with applications.

NOTE: It is assumed that pupils will be required throughout the course to solve numerous problems which involve putting questions into equations. Some of these problems should be chosen from mensuration, from physics, and from commercial life. The use of graphical methods and illustrations, particularly in connection with the solution of equations, is also expected.

(c) *Advanced algebra (one-half unit)*.
(1) Permutations and combinations, limited to simple cases.

(2) Complex numbers, with graphical representation of sums and differences.

(3) Determinants, chiefly of the second, third, and fourth orders, including the use of minors and the solution of linear equations.

(4) Numerical equations of higher degree, and so much of the theory of equations, with graphical methods, as is necessary for their treatment, including Descartes' rule of signs and Horner's method, but not Sturm's functions or multiple roots.

(d) *Plane geometry (one unit)*. (1) The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular

polygons and the measurement of the circle.

(2) The solution of numerous original exercises, including loci problems.

(3) Application to the mensuration of lines and plane surfaces.

(e) *Solid geometry (one-half unit)*.

(1) The usual theorems and constructions of good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

(2) The solution of numerous original exercises, including loci problems.

(3) Applications to the mensuration of surfaces and solids.

(f) *Plane trigonometry (one-half unit)*. (1) Definitions and relations of the six trigonometric functions as ratios; circular measurement of angles.

(2) Proofs of principal formulae, in particular for the sine, cosine, and tangent of the sum and the difference of two angles, of the double angle and the half angle, the product expressions for the sum or the difference of two sines or of two cosines, etc.; the transformation of trigonometric expressions by means of these formulas.

(3) Solutions of trigonometric equations of a simple character.

(4) Theory and use of logarithms (without the introduction of work involving infinite series).

(5) The solution of right and oblique triangles and practical applications.

§ 4.54 *Definition of subjects and weights; English composition and literature*. The study of English in school has two main objects: (1) Command of correct and clear English, spoken and written; (2) ability to read with accuracy, intelligence, and appreciation; familiarity with a few masterpieces.

(a) *English I; grammar and composition (one and one-half units)*. The first object requires instruction in grammar and composition. English grammar should ordinarily be reviewed in the secondary school; and correct spelling and grammatical accuracy should be rigorously exacted in connection with all written work during the four years. The principles of English composition governing punctuation, the use of words, sentences, and paragraphs should be thoroughly mastered; and practice in composition, oral as well as written, should extend throughout the secondary school period. Written exercises may well comprise letter writing, narration, description, and easy exposition and argument. It is advisable that subjects for this work be taken from the student's personal experience, general knowledge, and studies other than English, as well as from his reading in literature. Finally, special instruction in language and composition should be accompanied by concerted effort of teachers in all branches to cultivate in the student the habit of using good English in his recitations and various exercises, whether oral or written.

(b) *English II; literature (one and one-half units)*. The second object is sought by the reading and study of English and American literature in a progressive course covering four years. The

student should be trained in reading aloud and be encouraged to commit to memory some of the more notable passages both in verse and in prose. As an aid to literary appreciation he is further advised to acquaint himself with the most important facts in the lives of the authors whose works he reads and with their place in literary history. The aim is to foster in the student the habit of intelligent reading and to develop a taste for good literature by giving him a first-hand knowledge of some of its best specimens. He should read the books carefully, but his attention should not be so fixed upon details that he fails to appreciate the main purpose and charm of what he reads.

§ 4.55 *Definition of subjects and weights; history*. (a) Ancient history, comprising the history of the ancient world and Greece and the history of Rome to the year 476 A. D. (one unit).

(b) European history, including both medieval and modern. (one unit.)

(c) English history. (one unit.)

(d) United States history. (One unit required. The standard year course in United States history or a year course embracing both United States history and civil government will fulfill this requirement.)

(e) Modern European. (One unit.)

(f) World history. (One unit.)

§ 4.56 *Definition of subjects and weights; physics*. The requirement to obtain one unit of credit in physics is a course of one academic year, comprising the study of a standard textbook in physics, with recitations, demonstration lectures, problems, and laboratory work.

(a) *Topics of study*. The course of study should include the following topics:

(1) Measurements and properties of matter: Metric and English systems of units and conversions; mass, volume, weight, density, properties, and states of matter, Hooke's law.

(2) Mechanics of fluids: Pressure, total force, water systems, Pascal's law, buoyancy, Archimedes' principle, specific gravity, pressure and weight of atmosphere, barometers, siphon, lift pump, Boyle's law.

(3) Mechanics of solids: Universal gravitation, center of gravity, equilibrium, stability, uniform motion, accelerated motion, fallings bodies, force, Newton's laws of motion, centrifugal force, simple pendulum, momentum, composition and resolution of forces, moments, work, kinetic and potential energy, conservation of energy, power, horsepower, simple machines, mechanical advantage, efficiency, friction.

(4) Heat: Sources, thermometers, conversion centigrade and Fahrenheit, expansion of solids, liquids, and gases, Charles' law, general gas law, absolute zero, transmission of heat, measurement of heat, calorie and B. t. u., specific heat, change of state, fusion and vaporization, mechanical equivalent of heat, moisture conditions in atmosphere, humidity.

(5) Sound: Wave motion, sources and nature of sound; velocity, frequency, and wave length; echoes, resonance, inter-

ference, characteristics of musical tones, laws of vibrating strings.

(6) Light: Sources and nature, transmission; photometry, candlepower, illumination; reflection and refraction of light, plane mirrors, spherical mirrors, lenses, construction of image diagrams, magnification, color, spectra, dispersion.

(7) Magnetism and electricity: Magnets and polarity, terrestrial magnetism, magnetic induction, fields of force; current electricity, primary cells, storage cell, current, resistance, and electromotive force, Ohm's law; magnetic-effect and electromagnets, heating effect, chemical effect; cells and resistance in series and parallel; electric energy and power, electrical units (ampere, ohm, volt, watt, kilowatt-hour), connection of instruments; electromagnetic induction, simple two-pole generator and motor.

(b) *Laboratory work.* At least 25 experiments should be performed individually by the candidate in the laboratory and the results carefully recorded in a notebook. The notebook need not be presented with the certificate for admission, but the certificate must bear suitable notation if there have been fewer than 25 experiments. The experiments performed should include the following: Measurement of mass and of volume, principle of Archimedes, specific gravity of solids and of liquids, parallelogram law, moments, efficiency of a simple machine, calibration of a thermometer, expansion of a solid, determination of specific heat, heat of fusion and of vaporization, reflection and refraction of light, focal length of a lens, and Ohm's law.

§ 4.57 *Definition of subjects and weights; chemistry.* The requirement for one unit of credit in chemistry is a course of one academic year comprising recitations from a standard high school textbook, demonstration lectures, problems, and laboratory work. The subject matter to be covered shall include as a minimum the topics listed in paragraphs (a) through (d) of this section. The scope of the course shall be that of a standard high school chemistry textbook and laboratory manual.

(a) *Theoretical.* Matter and energy; elements, mixtures, compounds; types of reactions; Dalton's atomic theory; simple modern atomic structure; laws of definite and of multiple proportions; kinetic molecular theory; gas laws (Charles', Boyle's, Avogadro's, Gay Lussac's); valence and symbols of the elements; equivalent weights; determination of molecular weights, gram-molecular-weight and gram-molecular-volume; acids, bases and salts; solutions, ionization; oxidation and reduction; periodic classification of the elements.

(b) *Descriptive.* Occurrence, method of preparation, properties, and uses of the following elements and their common compounds: Hydrogen, oxygen, nitrogen, chlorine, carbon, sulphur, phosphorus, silicon, sodium, potassium, magnesium, calcium, barium, aluminum, iron, copper, zinc, tin, lead, chromium, manganese, silver, and mercury. In the field of the carbon compounds: chief components of petroleum and coal tar;

fuels; methane, ethane, ethylene, acetylene, benzene, toluene, phenol, methyl and ethyl alcohol, formaldehyde, formic and acetic acids, ethyl acetate, and carbohydrates.

(c) *Problems.* Gas laws (Boyle's, Charles', Gay Lussac's) specific gravity of gases; molecular weights from atomic weights, from specific gravity of gases, and from vapor density of volatile liquids; equivalent weights; molecular formulas; percentage composition; weight relations; weight and volume relations; volume relations.

(d) *Laboratory.* The laboratory work shall consist of at least 30 experiments dealing with the preparation and properties of the elements listed under paragraph (b) of this section and their common compounds. These 30 experiments must be done individually by the candidate and the results recorded in a notebook. This notebook need not be presented with the certificate for admission, but the certificate must state that the experiments have been performed by the candidate and the notebook kept.

NOTE: No quantitative experiments are required.

CERTIFICATE METHODS OF ADMISSION; BASED ON CERTIFICATE ONLY

§ 4.58 *When admission is based on certificate only.* The academic board will consider and may admit without other mental examination a candidate who presents a properly attested certificate (Form I) that he is or has been a regularly enrolled student in good standing without condition in a university, college, or technical school accredited by the United States Naval Academy; *Provided, That:*

(a) The entrance requirements of the course pursued require proficiency in subjects amounting to not less than 9½ units of the required list and 5½ units of the optional list shown in § 4.51. However, deficiencies in the secondary school certificate may be offset by offering acceptable college work in the lacking subject or subjects.

(b) At the time of entry into the Naval Academy he shall have satisfactorily completed a year's work in the university, college, or technical school, with a minimum of 24 semester hours credit in English, natural science, social science, or languages, at least 6 of which shall be in college English or history, and 6 in college mathematics.

(c) Candidates submitting Form I must in addition submit the Form II described in § 4.44 (a) (1) or (a) (2).

(d) If a scrutiny of the college certificate shows low or barely passing grades, the substantiating examination in mathematics and English will not be waived. In the event the secondary school record also is unacceptable, the acceptable college credits may be combined with the secondary school credits if they will serve to establish eligibility for the substantiating examination.

§ 4.59 *Evaluation of courses.* It is the policy of the Naval Academy to evaluate the courses offered in the college certificate in terms of semester-hours. A semester-hour of credit implies that,

in addition to outside preparation, the subject has required 1 classroom recitation of approximately 1 hour in length each week for a semester of not less than 16 weeks; or 1 double-length laboratory or practical work period for the same length of time. In general, where this definition is approximated, it is the policy to abide by the credit values indicated by the certifying institutions.

§ 4.60 *Length of college attendance.* The length of college attendance prescribed in § 4.58 (b) is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year load. Deficiencies not in excess of nine semester hours of credit may be made up as the result of regular class work in extension classes of fully accredited colleges and universities provided such work is in excess of the normal year of college work. Extension classes are defined as classes which meet beyond regular day school hours, such as late afternoon and night classes. Under no circumstances will credit be allowed for correspondence or tutoring work or for a subject for which credit has been established as the result of an examination alone.

§ 4.61 *Certificate method does not affect requirements as to age and appointment.* The college certificate method of qualifying for admission to the Naval Academy does not in any way affect existing requirements as to age and appointment and, in fact, is merely a modification of the certificate-substantiating examination method to the extent that the requirement of the substantiating examination in mathematics and English may be waived where the requirements as to the secondary school and college certificates are met in every particular. See § 4.44 (c) (3) which applies also to the college certificate method except that official college transcript forms may be used for record of academic work when attached to our Form I certificate.

§ 4.62 *Accredited colleges, universities, and technical schools.* The Naval Academy does not maintain a restricted list of accredited colleges, universities, and technical schools. It accredits, for certification purposes, any of the standard junior colleges, colleges, universities, and technical schools of collegiate rank that are fully and unqualifiedly accredited by the various State Boards of education which prescribe collegiate standards in their respective States, or by any of the recognized accrediting agencies such as the Association of American Universities, the New England Association of Colleges and Secondary Schools, the Association of Colleges and Secondary Schools of the Middle States and Maryland, the Association of Colleges and Secondary Schools of the Southern States, the North Central Association of Colleges and Secondary Schools, and the Northwest Association of Secondary and Higher Schools. In case of doubt as to the accredited status of the institution under consideration, specific inquiry should be addressed to the Superintendent, United States Naval Academy.

Annapolis, Md., giving the name of the institution.

§ 4.63 Requirements of candidates for admission by qualifying certificates.

(a) Candidates who contemplate qualifying by certificates only but who have not completed the required year of college work at the time of receipt of nomination for appointment should submit their high school records on the prescribed forms and should have preliminary college certificates submitted showing the courses contemplated or in progress and the amount of credit in semester-hours to be assigned for each course. For instance, a college certificate submitted at the end of the first semester should show the first semester grade for each course and should indicate the courses to be pursued during the second semester and the amount of credit to be eventually assigned for each. A certificate submitted prior to the receipt of any grades should indicate the courses to be pursued during the first and second semesters of the current year and credit value of each course.

(b) The fact that a candidate will not complete the required year of college work until June of the year for which nominated will not preclude his admission that summer provided the final certificate for the year is acceptable in all respects. Further, it is not required that the college certificate be formally accepted by the academic board before the examination dates which are as stated in § 4.18. However, it is the candidate's responsibility to decide whether he should take either of the mental entrance examinations and for that reason early submission of the necessary certificates is especially desirable as it permits the Naval Academy to review the case informally and render an opinion as to the outlook for acceptance thus aiding the candidate to make the decision with respect to the entrance examinations. Failure in one or more of the subjects given in the regular or substantiating examination automatically rejects the certificates for admission in that year. Therefore, a candidate who fails in the regular or substantiating examination in February and who is reappointed for the April examination in the same year, can qualify only by passing the April regular examination.

ENTRANCE PROCEDURE AND EQUIPMENT

§ 4.64 Entrance procedure. (a) Candidates who meet the mental, moral, and physical requirements will receive appointments as midshipmen and be admitted as such to the Naval Academy. Each candidate for midshipman will be required to sign articles (with consent of parent or guardian) by which he binds himself to serve in the United States Navy during the pleasure of the President of the United States (including his time of probation at the Naval Academy), unless sooner discharged. He will be required to certify on honor his exact age.

(b) Each candidate for midshipman upon entrance will be required to take oath of office as follows:

I, _____, of the State of _____, aged _____ years _____ months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

(c) He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the United States Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to such laws, regulations, and Articles for the Government of the Navy as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

§ 4.65 Course of training; standing in class. All midshipmen at the Naval Academy take the same course of instruction. The course is normally of 4 years' duration and is designed for the purpose of training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. No special courses are offered. No midshipman, regardless of his special qualifications or advanced education, can be given advanced standing upon his admission to the Naval Academy. However, these factors should be especially beneficial in that they should enable a midshipman to stand near the top of his class. His relative standing in his class upon graduation has an important bearing on promotions after being commissioned an officer in the Navy.

§ 4.66 Pay of midshipmen. The pay of a midshipman is \$780 a year, commencing at the date of his admission, and is sufficient to meet all his expenses while at the Naval Academy.

§ 4.67 Personal effects midshipmen are required to possess. Midshipmen will supply themselves, immediately upon their admission, with the following articles, viz:

- 1 ash tray (optional).
- 2 bags, net, and pins.
- 3 bedspreads.
- 1 bathrobe.
- 1 belt, leather, black.
- 2 blankets.
- 3 blotters for desk pad.

- 1 set buttons (brass).
- 1 cap cover, rain.
- 2 caps, white.
- 1 block, cap cover.
- 3 clothes bags.
- 1 cleaning outfit.
- 1 pair collar anchors.
- 12 collars, roll.
- 1 coat, shooting.
- 2 covers, mattress.
- 1 curtain, shower, and pins.
- 12 drawers.
- 2 pairs gloves, gray.
- 2 pairs gloves, white.
- 8 hangers, coat.
- 4 hats, white.
- 1 desk pad.
- 2 covers, cap, blue.
- 1 jackknife.
- 2 jerseys.
- 1 pair slacks.
- 4 pairs leggings.
- 1 mackintosh.
- 1 marking outfit.
- 1 name plate.
- 1 neckerchief.
- 2 neckties, black.
- 1 necktie slide.
- 1 pair overshoes.
- 4 pajama suits.
- 4 pillowcases.
- 1 room plate.
- 1 rug.
- 1 pair sandals, bath.
- 6 sheets.
- 2 shirts, drill.
- 12 shirts, white.
- 2 pairs shoes, black.
- 2 pairs shoe trees.
- 1 pair slippers, bedroom.
- 1 pair shoes, gymnasium.
- 2 splatter cloths.
- 1 strong box.
- 10 suits, white, work.
- 1 sweat suit.
- 1 pair gym socks.
- 1 mop, floor.
- 1 supporter, athletic.
- *1 pair suspenders.
- 1 book of stamps.
- 1 sweater, blue.
- 8 towels, bath.
- 8 towels, face.
- 1 pair trunks, bathing.
- 1 pair trunks, gymnasium.
- 12 undershirts.
- 1 wastebasket.
- *1 brush, blacking, and dauber.
- *1 brush, nail.
- *2 collar buttons, sets.
- *1 comb.
- *1 whisk broom.
- *1 pair cuff links.
- *1 pair garters.
- *1 outfit, sewing.
- *1 polish, black.
- *1 hair brush.
- *12 handkerchiefs, white.
- *1 outfit, stationery.
- *1 outfit, sewing.
- *1 polish, black.
- *1 razor.
- *1 shaving brush.
- *1 shaving cream.
- *12 pairs socks, black.
- *1 tooth brush.
- *1 tooth paste.

Necessary textbooks, manuals, and stationery.

The articles marked with asterisk (*), not being required to conform to a standard pattern, may be brought from home, but all other articles must conform to the regulations and must, therefore, be supplied by the midshipmen's storekeeper.

§ 4.68 *Deposit required.* Each candidate who has qualified mentally and physically must, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of \$100, to be used in part payment to cover cost of uniforms, clothing, textbooks, etc. The amount deposited is not refunded, but is expended for clothing and textbooks, which become the property of the midshipman. This deposit should be made in the form of cash, cashier's check, certified check, traveler's check, or postal or telegraph money order and must not be made payable to the order of the Superintendent but should be made payable to the candidate's own order and presented to the midshipmen's storekeeper at the Naval Academy at the time of entrance. Commercial paper made payable in any other form causes needless delay and inconvenience.

§ 4.69 *Credit allowed for uniforms, clothing and textbooks.* Immediately after being admitted to the Naval Academy, each new midshipman is credited with the sum of \$250, which is needed in addition to the \$100 cash deposit referred to in § 4.68, for uniforms, clothing, textbooks, etc., required before a midshipman enters upon his duties at the academy. This amount (\$250) is deducted from the midshipman's pay in monthly installments. Any midshipman may, however, immediately after entering the academy, repay this amount in full from his own funds and thus obviate the necessity of having a certain amount deducted monthly from his pay for this purpose. It is urgently recommended that all those midshipmen financially able to do so make the repayment as soon as possible after entering the Academy.

§ 4.70 *Necessity for credit.* The cash entrance deposit of \$100 made by the candidate on entering and the \$250 advanced by the Government (to be later deducted from his pay) is necessary, as explained above, before a candidate enters upon his duties.

§ 4.71 *Mileage allowance of midshipmen on appointment.* Midshipmen are allowed 5 cents a mile for traveling expenses from their homes to the Naval Academy. This money is credited to their accounts after they have actually become midshipmen. This money usually is retained on the midshipman's account to his credit, and his account is thereby in much better condition when he desires money for leave on the practice cruise or during his first September leave. If parents desire to be reimbursed for the money advanced their sons to make the trip to Annapolis, the mileage allowance may be sent to them, providing the midshipman makes written request to the Commandant of Midshipmen.

APPOINTMENT OF ENLISTED MEN

§ 4.101 *Congressional appointments.* An enlisted man who receives a congressional appointment to the Naval Academy, or to the Military Academy, or has an approved application by the Commandant of the Coast Guard for an ex-

amination for appointment as a cadet in the Coast Guard, may, upon his own application, be assigned to the service preparatory school referred to in § 4.106. Men holding congressional principal appointments to the Naval Academy or to the Military Academy may request special-order discharge to prepare for the entrance examinations. [Art. D-6101, Bu. Pers. Manual]

§ 4.102 *Entrance requirements.* (a) The law authorizes the appointment to the Naval Academy each year of one hundred (100) midshipmen, to be selected as the result of a competitive examination given enlisted men of the Navy and Marine Corps. (For appointments to the Naval Academy from the Naval Reserve, see § 6.1904)

(b) In order to take the entrance examination to the Naval Academy a man must have the following qualifications:

- (1) Be of officer caliber.
- (2) Be a citizen of the United States.
- (3) Have enlisted in the Navy or Marine Corps on or before July 1 of the year preceding that in which the examination is held.

(4) Have had 9 months' sea duty in a ship in full commission, or performed equivalent service with fleet aircraft, by the date of his final transfer to the Naval Academy, where he is due to report by July 1 of the year in which the entrance examination is held. For this purpose the following are counted as sea duty or equivalent duty:

- (i) Duty while regularly attached to a ship in full commission.
- (ii) Duty as a passenger in a ship in full commission.
- (iii) Treatment aboard a hospital ship.
- (iv) Duty while attached to aircraft designated as fleet aircraft.

(5) Be not less than 17 or more than 21 years of age on April 1 of the year in which the examination is held.

(6) Have completed at least 3 years of a high school course or the equivalent, and have received credit for the satisfactory completion of 1 year of algebra and 1 year of geometry. (The subjects covered in the Naval Academy entrance examinations are algebra, plane and solid geometry, physics, chemistry, United States history, and English composition and literature. The scope and general character of the regular entrance examinations are given in this part.)

(7) Be able to pass the required physical examination.

(c) To be eligible to attend the Naval Academy Preparatory School a man must have the additional qualification of being in such status that he will have had 9 months' sea duty in a ship in full commission, or equivalent service with fleet aircraft, before his final detachment in time to reach the school by October 1 of the year preceding that in which the entrance examination is held.

(d) The Bureau (of Naval Personnel) desires that all enlisted men eligible under the law and having the required qualifications be given an opportunity to apply for appointment to the Naval Academy. However, commanding offi-

cers shall exercise the utmost care in selecting applicants whom they will nominate for appointments, so as to eliminate those who do not fully measure up to the requirements. [Art. D-6102, Bu. Pers. Manual]

§ 4.104 *Preliminary examinations of men nominated for the Naval Academy Preparatory School.* (a) On or before May 1 of each year commanding officers will report to the Bureau (of Naval Personnel) the name, rate, and service number of each candidate nominated for the Naval Academy Preparatory School in accordance with article D-6103.¹ Reports from the Asiatic station will be sent by despatch. On receipt of the reports of nominations, the Bureau will forward in time to arrive prior to July 1 at all ships and stations reporting nominated candidates, a suitable number of sets of preliminary educational examinations for use in the selection of men for the Naval Academy Preparatory School. Commanding officers will arrange to have all men nominated in accordance with article D-6103 take the preliminary examinations on July 1 or on such other date as may be designated by the Bureau.

(b) Commanding officers will appoint a board to consist, if practicable, of three Naval Academy graduates. The board will conduct the examination and grade the papers in accordance with the instructions forwarded therewith. Care shall be taken that the examination is not compromised. The results of this examination will be entered on Form B. N. P. 675.

(c) Completed Form B. N. P. 675 for all nominees shall be forwarded to the Bureau upon completion of the preliminary examination, together with the original examination papers of all men examined.

(d) In addition to mailing this report, ships and stations outside the continental limits of the United States shall send the list of names by despatch and give the final mark in each subject and the general classification test mark of each man examined. [Art. D-6104, Bu. Pers. Manual.]

§ 4.106 *Naval Academy Preparatory School.* (a) To provide for intensive instruction of enlisted men selected to take the competitive examination for appointment to the Naval Academy, the Bureau (of Naval Personnel) maintains a special school.

(b) The course of instruction begins on October 1 of each year and continues until the date set for the beginning of the competitive examination. This instruction is such as to prepare the candidate for the entrance examination as described in this part.

(c) On completion of the final competitive examination the completed examination papers will be forwarded by the commanding officer of the training station to the Superintendent, United States Naval Academy, for marking.

¹ Article D-6103, Bureau of Personnel Manual, is available at the Bureau of Naval Personnel, Navy Department, Washington, D. C.

(d) Men under instruction at this special school will be kept under military discipline and required to observe the rules and regulations of the station, but all due consideration will be given to the purpose for which they are so assigned. [Art. D-6106, Bu. Pers. Manual]

§ 4.107 Procedure for men not eligible for preparatory school but eligible to take the entrance examinations. (a) The following procedure shall be followed in the case of those men coming within the purview of § 4.102 (a) and (b) but who do not have the additional qualifications given in § 4.102 (c):

(1) During the first week in January of the year in which the entrance examination to the Naval Academy is to be held, commanding officers shall:

(i) Make a survey of all men eligible and give them information concerning the requirements for entrance to the Naval Academy. (The requirement of a deposit of \$100 upon admission to the Naval Academy should be known by each candidate. The candidate should have this sum before being transferred to the Naval Academy).

(ii) Disseminate to these men information about the Naval Academy.

(iii) Explain to them the procedure for entering the Naval Academy.

(iv) Describe the amount and character of preparation required.

(v) Cause all those who are eligible and who desire to apply to fill out and submit Form B. N. P. 675.

(2) When the procedure in paragraph (a) (1) (v) of this section has been carried out, a selection board shall be convened at each station and aboard each ship to examine applicants and select therefrom those who may be officer material. Where possible this board shall consist of three line officers of or above the grade of lieutenant. The board shall interview the division officers, petty officers, and others under whom the applicant has served; shall personally interview each applicant concerning his education, his desire to become an officer, and any other matter which affects his character and qualifications for the Naval Academy; shall examine the service record of each applicant and shall make a recommendation on each applicant to the commanding officer. Only men who have excellent records and who are believed to be suitable candidates for appointment to the Naval Academy and ultimate commissioning shall be recommended.

(3) Those applicants who are found to be suitable material by the selection board will be examined by a board of medical officers in strict accordance with the Manual of the Medical Department. Upon the completion of the examination the Bureau of Medicine and Surgery Form Y will be forwarded, in duplicate, immediately to the Bureau of Medicine and Surgery for review. The fact of the examination and the date of forwarding the Form Y will be entered on the man's application card, Form B. N. P. 675, which will be returned to the commanding officer.

(4) The commanding officer shall review each case and nominate those whom

he considers suitable, entering his action on Form B. N. P. 675. An applicant will be favorably recommended by the commanding officer only after a personal interview in which he shall satisfy himself that the applicant is of officer caliber. As the recommendation of the board of medical officers is subject to review by the Bureau of Medicine and Surgery the commanding officer's decision will not be based on the findings of that board.

(5) Form B. N. P. 675, in the case of all applicants, whether nominated or not, will be forwarded to the Bureau in time to arrive not later than March 1.

(b) An applicant who has been nominated by his commanding officer and whose nomination has been approved by the Bureau will be eligible to take the Naval Academy entrance examination.

(c) The entrance examination to the Naval Academy will be held under the supervision of examining boards on the third Wednesday in April. The candidates will take this examination on board ship, thereby not interrupting their sea service.

(d) Commanding officers will give all the help practicable in preparing for the entrance examination to the men that they nominate. [Art. D-6107, Bu. Pers. Manual]

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-15224; Filed, September 17, 1943; 12:13 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 42]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

TRANSPORTATION OF ANCHOR CHAIN WITHIN THE SWITCHING LIMITS OF PORTLAND, OREGON, PROHIBITED

Pursuant to Executive Order 8989 and in order to make available railway cars, motive power, and other transportation facilities and equipment of common carriers by railroad for the preferential transportation of troops and material of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize such transportation equipment and facilities; to prevent traffic congestion; and to assure the orderly and expeditious movement of freight traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

Sec

502.190 Transportation of anchor chain within the switching limits of Portland, Oregon, prohibited.

502.191 Definitions.

502.192 Communications.

AUTHORITY: §§ 502.190 to 502.192, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.190 Transportation of anchor chain within the switching limits of Portland, Oregon, prohibited. No person shall tender for shipment or ship over the line of any carrier by railroad, and no carrier by railroad shall accept for shipment, forward, or transport over its line, any shipment of anchor chain when the point of origin and the point of destination of such shipment are both within the switching limits of Portland, Oregon.

§ 502.191 Definitions. As used in this order (§ 502.190, 502.192), or in any order, direction, permit, or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental, or legal entity;

(b) "Switching limits of Portland, Oregon," means the switching limits for all rail lines entering Portland, Oregon, as defined in Item 100 of the North Pacific Coast Freight Bureau Local and Joint Freight Tariff No. 6-G, I. C. C. No. 696 issued by W. J. Bohon, Agent;

(c) "Point of origin" means the point or place at which the shipment of anchor chain is loaded in or on the railway car in which transported;

(d) "Point of destination" means the point or place at which a shipment of anchor chain is unloaded or is to be unloaded from the railway car in or on which transported.

§ 502.192 Communications. Communications concerning this order should refer to "General Order ODT 42," and unless otherwise directed should be addressed to the Division of Traffic Movement, Office of Defense Transportation, Washington, D. C.

This order shall become effective on September 21, 1943, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 21st day of September 1943.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

[F. R. Doc. 43-15402; Filed, September 21, 1943; 9:53 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[Special Permit No. 25 Under Service Order No. 126]

LONG ISLAND RAIL ROAD CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as

amended (8 F.R. 7738, 8082, 9033, 11089), permission is granted for:

The Long Island Rail Road Company to accept for transportation and move 15 refrigerator cars containing potatoes shipped by Henry A. Pollock from the Hicksville, Long Island, area; also 15 refrigerator cars containing potatoes shipped by I. M. Young and Company, Riverhead, Long Island, area; also 20 refrigerator cars containing potatoes shipped by the Long Island Fruit and Produce Company, Riverhead, Long Island, area, all consigned to the United States Army, New Orleans, Louisiana; and for The Pennsylvania Railroad Company to initially ice with no more than enough ice to bring the bunkers to $\frac{3}{4}$ capacity at Potomac Yards, Virginia; also for the Southern Railway Company to reice with no more than enough ice to bring the bunkers to $\frac{3}{4}$ capacity at Atlanta, Georgia.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15405; Filed, September 21, 1943; 11:36 a. m.]

[Special Permit 9 Under Service Order 145]

UNION PACIFIC RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487) permission is granted for:

The Union Pacific Railroad Company to reice PFE 74227 containing potatoes from John L. Chase and Son, Twin Falls, Idaho, now on hand at Los Angeles, California, consigned to the United States Marine Base, San Diego, California.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15406; Filed, September 21, 1943; 11:36 a. m.]

[Special Permit 11 Under Service Order 145]

UNION PACIFIC RAILWAY CO.

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company to initially ice to capacity a refrigerator car or cars loaded with potatoes, originating at Group B points in Oregon or Idaho or Group C points in Idaho, at either Nampa, Idaho; Pocatello, Idaho; Ogden, Utah; Council Bluffs, Iowa; or Kansas City, Kansas.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15407; Filed, September 21, 1943; 11:36 a. m.]

[Special Permit 10 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

ICING OR REICING OF FRUITS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, as amended (8 F.R. 12518), permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees) to accord full bunker reicing to PFE 91975 containing pears from Simon and French Company, Auburn, California, consigned to the United States Army, Fort Sill, Oklahoma.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15408; Filed, September 21, 1943; 11:36 a. m.]

[Special Permit 12 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, as amended (8 F.R. 12518), permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, the St. Louis-San Francisco Railway Company (J. M. Kurn, Trustee), the Illinois Central Railroad Company, or The Yazoo and Mississippi Valley Railroad Company to reice to full bunker capacity PFE 71443 containing pears from Auburn, California, consigned United States Army, Camp Van Dorn, Mississippi.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15409; Filed, September 21, 1943; 11:36 a. m.]

[Special Permit 14 Under Service Order 147]

COMMON CARRIERS BY RAILROAD

REICING OF FRUIT

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, as amended (8 F.R. 12518), permission is granted for:

The Northwestern Pacific Railroad Company, the Southern Pacific Company, the Union Pacific Railroad Company, or the Chicago and North Western Railway Company (Charles M. Thomson, Trustee) to reice to full bunker capacity PFE 70811, PFE 45699, PFE 44408, PFE 60811, FGE 50970, and PFE 94002 containing pears from DiGiorgio Fruit Company, San Francisco, California, consigned DiGiorgio Fruit Company, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15410; Filed, September 21, 1943; 11:36 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 20A-21]

CITY CAB COMPANY, ET AL.

COORDINATED OPERATIONS IN THE MIDDLETOWN, OHIO, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Middletown, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-21" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois.

8. This order shall become effective September 28, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of September, 1943.

JOSEPH B. EASTMAN,
Director.

Office of Defense Transportation.

APPENDIX 1

City Cab Company, Middletown, Ohio.
77 Taxicab Co., Middletown, Ohio.
27 Taxi, Inc., Middletown, Ohio.

[F. R. Doc. 43-15400; Filed, September 21, 1943; 9:53 a. m.]

[Supplementary Order ODT 20A-22]

BLUEFIELD CAB COMPANY, ET AL.

COORDINATED OPERATIONS IN THE BLUEFIELD, WEST VIRGINIA AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Bluefield, Princeton, Montcalm, and Matoaka, West Virginia, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-22" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective September 28, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

¹ Filed as part of the original document.

Issued at Washington, D. C., this 21st day of September, 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Bluefield Cab Company, 200 Scott Street, Bluefield, West Virginia
Red Star Cab, 529½ Commerce Street, Bluefield, West Virginia
White Cab Company, Princeton, West Virginia
Moonlight Cab Company, Princeton, West Virginia
Shrewsbury Taxi Company, Montcalm, West Virginia
Godfrey Taxi Company, Matoaka, West Virginia

[F. R. Doc. 43-15401; Filed, September 21, 1943; 9:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 379 Under MPR 188, Amdt. 2]

NEW ENAMELED STEEL PRESSURE CANNERS
AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 2 to Order 379 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods, Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, paragraph (d) of order No. 379 is amended to read as follows:

(d) Any canner covered by this order which the manufacturer classes as a "second" because of damaged enamel may be sold at prices no higher than 75% of the maximum prices set forth in paragraph (a) above: *Provided*, That the canner has no defects other than damaged enamel and is guaranteed as provided by this order. The manufacturer, in such a case, shall mark "second" on the tag which is required by paragraph (e) and shall enter the reduced prices in the blanks on the tag.

This amendment shall become effective September 21, 1943.

Issued this 20th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15390; Filed, September 20, 1943; 3:25 p. m.]

[Rev. Gen. Order 3, Amdt. 1]

REPRESENTATION OF ADMINISTRATOR IN
COURT PROCEEDINGS

SERVICE OF PROCESS

Paragraph (b) of Revised General Order No. 3 is amended to read as follows:

(b) *Service of process upon the Administrator.* Service of process upon the Price Administrator may be made by

serving him personally, or by leaving a copy thereof at the Office of the Secretary, Office of Price Administration, Washington, D. C. In actions commenced outside the District of Columbia to obtain judicial review of rationing suspension orders issued under Procedural Regulation No. 4, service of process upon the Price Administrator may be made by personal service thereof upon the District Director or, in the latter's absence, upon the Acting District Director of the Office of Price Administration for the OPA district in which the administrative proceedings resulting in the suspension order were originally instituted. No other officer or employee of the Office of Price Administration, whether employed in the principal Office in Washington, D. C., or in any regional or field office, is authorized to accept service of process on behalf of the Price Administrator or enter his appearance in any action or proceeding, except as herein provided.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9250, 7 F.R. 7871; E.O. 9280, 7 F.R. 10179; E.O. 9328, 8 F.R. 4681)

Issued and effective the 21st day of September 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-15416; Filed, September 21, 1943; 12:12 p. m.]

Regional and District Office Orders.

[Tulsa Order 1 Under Restaurant MPR 5-6]

FOOD AND DRINK SOLD FOR IMMEDIATE
CONSUMPTION IN MUSKOGEE, OKLA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority reserved in the District Director of the Tulsa District Office of Region V of the Office of Price Administration by section 22 of Restaurant MPR No. 5-6, *It is hereby ordered*:

SECTION 1. *Purpose of order.* It is the purpose of this order to establish specific maximum prices for certain food items, beverages and certain meals sold by eating or drinking places, except boarding houses, covered by Restaurant MPR No. 5-6, in the City of Muskogee, Oklahoma.

SEC. 2. *Your ceiling prices.* Your ceiling prices for the food items listed in Appendix A and for the meals required to be served by section 4 are the prices entered in Appendix A for the group of eating or drinking places to which your establishment belongs. The meals are further described in Appendix B. The ceiling prices listed in Appendix A will prevail over the prices established under Restaurant MPR No. 5-6 for these food items or meals. Your ceiling prices for all other food items or meals will continue to be those established under the regulation. Lower prices than those established by Appendix A may, of course, be charged.

SEC. 3. *Classifications*—(a) *The groups.* This order classifies eating or drinking places into six groups and establishes

ceiling prices applicable to each group. The groups are as follows:

(1) Any eating or drinking place operated by or in connection with a drug store belongs to Group 1.

(2) Any eating or drinking place, other than those operated by or in connection with a drug store, belongs to either Group 2 or Group 3 if it derives the greatest percentage of its dollar volume of business from sales of sandwiches and drinks. It belongs to Group 2 if the prices which it charged during the seven-day period from April 4 to April 10, 1943, correspond more closely to the ceiling prices listed in Appendix A for Group 2 places than they do to the ceiling prices listed in that Appendix for Group 3 places. Conversely, it belongs to Group 3 if its April 4-10 prices correspond more closely to the Group 3 than to the Group 2 ceiling prices.

(3) Any other eating or drinking place belongs to either Group 4, Group 5, or Group 6. It belongs to Group 4 if the prices which it charged during the seven-day period from April 4 to April 10, 1943, correspond most closely to the ceiling prices listed in Appendix A for Group 4 places; to Group 5 if its April 4-10 prices correspond most closely to the ceiling prices established for that group; and to Group 6 if its April 4-10 prices correspond most closely to the ceiling prices established for Group 6.

(4) Any eating or drinking place which during the period April 4-10, 1943, did not sell any items contained in Appendix A shall be in the same group as other establishments in the vicinity having substantially the same clientele, the same service and the same quality of food.

(b) *Determination.* The District Director of the Office of Price Administration will determine the group to which your eating or drinking place belongs and will notify you of his determination. If, however, you have received no such notice by the effective date of this order or by the date when your place is first open, whichever is later, you must immediately inform the District Director and request him to determine your proper classification. When you have made such a request you may sell at the ceiling prices for the group to which you believe your place belongs under the terms of paragraph (a), until such time as the District Director notifies you of your proper classification. If you fail to request the District Director to determine your proper classification, your place is automatically classified in Group 4, and you must not charge prices higher than the ceiling prices established for this group.

(c) *Review of determination.* If you believe you have been improperly classified by the District Director you may apply for a reconsideration of his determination. Your application must be filed within thirty days after you receive notice of the classification.

SEC. 4. *Duty to serve certain meals.* (a) If you serve noon-day luncheons, whether table d'hôte or a la carte, and if your place belongs to a group for which a noon-day luncheon price is listed in Appendix A, you must offer each day

at or below the price so listed at least two different luncheon selections of a content and quality equal or superior to the luncheons described in Appendix B. You may quote the price for these two luncheon selections either as a table d'hote price for the complete luncheon or as a la carte prices for each item entering into the luncheon. However, if you quote prices for each item separately, the sum of these prices must not be more than the price listed in Appendix A for the complete luncheon.

(b) If you serve evening luncheons or dinners, whether table d'hote or a la carte, and if your place belongs to a group for which an evening luncheon or dinner price is listed in Appendix A, you must offer each day at or below the price so listed at least two evening luncheon or dinner selections of a content and quality equal to or superior to the evening luncheons or dinners described in Appendix B. You may quote the price for these two evening luncheon or dinner selections either as a table d'hote price for the complete evening luncheon or dinner or a la carte prices for each item entering into the meal. However, if you quote prices for each item separately the sum of these prices must not be more than the price listed in Appendix A for the complete evening luncheon or dinner.

(c) If your eating or drinking place is in Group 4 or Group 5 and if you can show,

(1) That you did not serve evening luncheons during the seven-day period from April 4-10, 1943, at or about the price listed in Appendix A for such evening luncheons, and

(2) That the requirement that you must now serve such luncheons will seriously change your customary operating practices,

you may apply to the Director to be relieved of the obligation to serve the evening luncheon described in Appendix B.

(d) If during the seven-day period from April 4-10, 1943, your establishment served no luncheons or dinners other than specialty meals such as steak dinners, chicken dinners, barbecued beef, or Mexican and Chinese dishes, you may apply to the District Director for relief from the obligation to serve the meals described in Appendix B.

Sec. 5. *Posting.* (a) In addition to the posting required by Restaurant MPR No. 5-6 you must post in a conspicuous place your classification as determined by the District Director and a copy of the prices applicable to your establishment under this order.

(b) If you have been relieved of the necessity of serving meals under section 4 of this order, you must post in a conspicuous place in your establishment the certificate of the District Director relieving you of that necessity.

Sec. 6. *Definitions.* (a) "Noon-day luncheon" means any entree or main dish served separately or in combination with other food items or beverages as a mid-day meal.

(b) "Evening luncheon or dinner" means any entree or main dish sold sepa-

rately or in combination with other food items or beverages sold as an evening meal.

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, the General Maximum Price Regulation, and Restaurant MPR No. 5-6 shall apply to the other terms used herein.

This order shall become effective at 12:01 A. M., central war time, September 16, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

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 at Tulsa, Oklahoma, this 8th day of September 1943.

BEN O. KIRKPATRICK,
District Director.

APPENDIX A

Food item or meal	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Luncheons—Dinners:						
Noon luncheon.....				\$0.30	\$0.40	\$0.50
Evening luncheon.....				.30	.40	.50
Vegetable luncheon.....				.25	.40	.45
Vegetable dinner.....				.25	.40	.45
Breakfasts:						
Cereal—with milk or Half & Half.....	\$0.15	\$0.15	\$0.20	.15	.20	.20
Toast.....	.05	.10	.10	.10	.10	.10
1 egg—toast and coffee.....	.20	.20	.25	.20	.25	.25
2 eggs—toast and coffee.....	.30	.30	.35	.25	.30	.35
Bacon, ham or sausage with 1 egg, toast and coffee.....	.35	.30	.40	.30	.35	.40
Bacon, ham or sausage with 2 eggs, toast and coffee.....	.45	.40	.50	.35	.45	.50
Hot cakes.....	.20	.15	.20	.20	.20	.25
Waffle.....	.25	.25	.25	.25	.25	.25
Sandwiches:						
Bacon and tomato.....	.15	.20	.25	.15	.20	.25
Lettuce and tomato.....	.15	.15	.20	.15	.15	.20
Barbecue—beef or pork.....	.20	.20	.25	.20	.20	.25
American cheese.....	.15	.15	.20	.15	.15	.20
Beef or pork.....	.20	.20	.25	.20	.20	.25
Fried, baked or boiled ham.....	.20	.20	.25	.20	.20	.25
Goose liver.....	.20	.15	.20	.15	.20	.20
Chicken salad.....	.20	.25	.30	.20	.25	.35
Hamburger.....	.15	.10	.15	.15	.15	.20
Egg.....	.10	.15	.15	.15	.15	.20
Hot beef with potatoes and gravy.....	.30	.20	.30	.25	.30	.35
Hot pork with potatoes and gravy.....	.30	.20	.30	.25	.30	.35
Steak.....	.20	.20	.25	.20	.25	.30
Soup, pie, rolls, etc.:						
Chili with beans, bread or crackers.....	.20	.20	.20	.20	.20	.20
Chili straight, with bread or crackers.....	.25	.25	.25	.25	.25	.25
Beef stew with bread or crackers.....	.20	.20	.25	.20	.20	.25
Home-made soup with bread or crackers.....	.15	.10	.15	.15	.15	.15
Canned soup with bread or crackers.....	.20	.20	.20	.20	.25	.25
Doughnut.....	.05	.05	.05	.05	.05	.05
Sweet roll.....	.05	.05	.05	.05	.05	.05
Toasted sweet roll.....	.05	.05	.10	.05	.05	.10
Pie.....	.10	.10	.10	.10	.10	.10
Cake.....	.10	.10	.10	.10	.10	.10
Beverages:						
Coffee.....	.05	.05	.05	.05	.05	.05
Iced coffee.....	.05	.05	.10	.05	.05	.10
Hot tea.....	.05	.05	.05	.05	.05	.05
Iced tea.....	.05	.05	.10	.05	.05	.10
Sweet milk.....	.06	.06	.07	.06	.07	.07
Buttermilk.....	.05	.05	.05	.05	.05	.05
Fountain items:						
Milk shake.....	.15	.15	.15	.15	.15	.15
Malted milk.....	.20	.20	.20	.20	.20	.20
Ice cream soda.....	.15	.15	.15	.15	.15	.15
Ice cream sundae.....	.15	.15	.15	.15	.15	.15
Dish of ice cream.....	.10	.10	.10	.10	.10	.10
Milk chocolate.....	.15	.15	.15	.15	.15	.15
Fruit—Vegetable juices:						
Orange juice.....	.15	.10	.15	.10	.10	.15
Tomato juice.....	.10	.10	.10	.10	.10	.10
Grapefruit juice.....	.10	.10	.10	.10	.10	.10

APPENDIX B

Description of items

Noon and Evening Luncheon Combination

Choice of one entree

1. Hamburger steak.
2. Meat loaf (ham, veal, etc.).
3. Chicken fried steak.
4. Roast beef.
5. Roast pork.
6. Beef stew.
7. Fillet of perch.
8. Cat fish.
9. Chicken and dumplings.
10. Chicken pie.
11. Chicken a la king.
12. Liver and onions.
13. Croquettes (ham, chicken or salmon).
14. Short ribs.
15. Barbecued beef or pork.

Choice of 2 vegetables, one of which may be potatoes, bread and butter, drink.

Vegetable luncheon; Choice of 4 vegetables or 3 vegetables & salad, bread and butter, drink.

[F. R. Doc. 43-15389; Filed, September 20, 1943; 3.26 p. m.]

[Region II Rev. Order G-1 Under MPR 122]

PENNSYLVANIA ANTHRACITE IN MIDDLESEX COUNTY, N. J.

Revised Order No. G-1 under §§ 1340.-259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Pennsylvania Anthracite delivered by

dealers in Middlesex County, State of New Jersey—Coal Area VII.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 and § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, It is ordered:

(a) *What this order does*—(1) *Dealers' maximum prices; Area covered.* If you are a dealer in "Pennsylvania anthracite", this order sets the maximum prices which you may charge and, if you are a purchaser in the course of trade or business, this order sets the maximum prices which you may pay for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New Jersey—Coal Area VII. Coal Area VII comprises all of Middlesex County in the State of New Jersey.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area VII are set forth in Schedules I, II, and III hereafter.

(3) *To what this order applies.* If you are a dealer in anthracite you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area VII whether or not you are located in Coal Area VII.

(b) *What this order prohibits.* Regardless of any contract or other obligation, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by

(i) Changing the discounts authorized herein, or

(ii) Charging for any service rendered in connection with the sale or delivery of anthracite subject to this order, or

(iii) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(iv) Using any other device by which a higher price than maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Use the schedule which covers your sale. (Schedule I applies to sales on a "Direct Delivery" basis. You will find Schedule I in paragraph (d). Schedule II applies to "Yard Sales". You will find Schedule II in paragraph (e). Schedule III applies to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) Take the dollars-and-cents figure set forth in the applicable schedule for the size and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give as specified in the schedule. If the schedule makes no reference to any discount, you need give no discount. When a discount is required, you must state it separately on your invoice.

(4) If you deliver a fraction of a net ton, even if less than one half ton, and the applicable schedule provides a discount on the basis of one ton or one half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(d) *Schedule I—"Direct delivery" sales.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area VII.

(1) *For sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton).
Broken, egg, stove, nut.....	\$13.05	\$6.80	\$0.80
Pea.....	11.25	5.90	.70
Buckwheat.....	9.45	5.00	.65
Rice.....	8.45	4.50	-----
Screenings.....	3.80	1.90	-----

(2) *Required discounts.* You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(e) *Schedule II—"Yard sales".* Schedule II establishes maximum prices for certain sizes of anthracite in certain specific quantities sold at the dealer's yard.

(1) *For sales of anthracite of the sizes and in the quantities specified.*

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs., for sales of 100 lbs. or more, but less than ½ ton
Broken, egg, stove, nut.....	\$11.05	\$0.65
Pea.....	8.80	.60
Buckwheat.....	8.15	.50
Rice.....	7.15	.45
Screenings.....	2.00	-----

(2) *Required discounts.* You shall deduct from the prices set forth in this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(f) *Schedule III—"Sales of bagged coal".* Schedule III establishes maximum prices for sales to dealers and to consumers of certain sizes of anthracite in 50 lb., 25 lb., and 12 lb. paper bags.

MAXIMUM PRICES PER 50 LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumers
Nut.....	\$0.35	\$0.40	\$0.45
Pea.....	.30	.35	.40

MAXIMUM PRICES PER 25 LB. PAPER BAG

Nut.....	\$0.18	\$0.20	\$0.25
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MAXIMUM PRICES PER 12 LB. PAPER BAG

Nut.....	\$0.09	\$0.10	\$0.12
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(g) *Commingling.* If one size of anthracite is sold commingled with another size of anthracite, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "Delivered Sale", "Yard Sale", or a "Sale of Bagged Coal", except in the following situation: Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if these sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148—Freight Rate Increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase

to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the tax imposed by section 620 of the Revenue Act of 1942 if actually paid or incurred by you or by any of your prior suppliers and separately stated and collected from you by your supplier. On sales to the United States or any agency thereof, you need not state this tax separately.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(p) *Posting of maximum prices: Sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices as set forth in the applicable schedule or schedules

of this order in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you sell subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the maximum prices set hereby.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Trenton District Office of the Office of Price Administration.

(r) *Definitions and explanations.* When used in this Revised Order No. G-1, the term:

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

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, and screenings shall refer to such sizes of anthracite as they were sold and designated in the State of New Jersey—Coal Area VII, during December, 1941.

(6) "Direct delivery" means delivery to the buyer's bin or storage space.

(7) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(8) "Delivered at dealer's yard" as applied to sales of bagged coal in 50 lb., 25 lb., and 12 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(9) "Delivered to retail stores" as applied to sales of bagged coal in 50 lb., 25 lb., or 12 lb. bags, means deposit in that part of the store designated by the purchaser.

(10) "Sales to ultimate consumers" as applied to bagged coal in 50 lb., 25 lb., or 12 lb. bags, means sales by dealers other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(s) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

(t) *Effect of order on Order No. G-1 as originally issued.* Order No. G-1 under Revised Maximum Price Regulation No. 122, as issued on January 16, 1943, is hereby revoked in full as of the effective date of this order, but such revocation shall not have the effect to release or extinguish any penalty or liability incurred under such order, and such order shall be treated as remaining in force for the purpose of allowing or sustaining any proper suit, action, prosecution or proceeding with respect to such penalty or liability.

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Order No. G-1 shall become effective September 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-15398; Filed, September 20, 1943; 4:47 p. m.]

[Region IV Order G-7 Under MPR 122]

SOLID FUELS IN KNOXVILLE, TENN., AREA

Order No. G-7 under § 1340.260 of Revised Maximum Price Regulation No. 122—Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Knoxville and adjacent territory in the State of Tennessee.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, *It is ordered:*

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point included within the corporate limits of Knoxville, Knox County, Tennessee and the area lying within four miles thereof by the most direct highway route and provided that this order shall apply to deliveries to all points within the villages of Bearden, Westmoreland Heights, In-

skip and Fountain City, Tennessee, whether or not within such four mile area.

(2) This order contains a price schedule applicable to sales of high volatile bituminous coal from District No. 8.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-7 but less than maximum prices may at any time be charged, paid or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order,

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; sales on a "direct delivery or domestic" basis.*—(1) *Consumer sales.* This price schedule sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels to consumers when the delivery is made to any point included within the corporate limits of Knoxville, Knox County, Tennessee, and the area lying within four miles thereof by the most direct highway route and provided that this Order shall apply to deliveries to all points within the villages of Bearden, Westmoreland Heights, Inskip and Fountain City, Tennessee, whether or not within such four-mile area.

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton, 2,000 lbs.	Per ½ ton, 1,000 lbs.
Lump chunk, or block.....	\$7.05	\$3.65
Egg.....	6.75	3.50
Junior egg or stove.....	6.25	3.25
Stoker.....	6.80	3.53
Run-of-mine.....	6.25	3.25
Nut and slack.....	4.95	2.60

(2) *Maximum authorized service charges and deductions.*—(i) *Carry or wheel service.* If buyer requests such service the dealer may charge not more than 25¢ per ton for such sales.

(ii) *Yard sales.* When the buyer picks up coal at the dealer's yard in lots of not less than one-half ton, the dealer must reduce the domestic price 75¢ per ton. When the buyer picks up coal at the dealer's yard in less than one-half ton the dealer may charge not more than 35¢ per 100 pounds.

(iii) *Quantity sales.* When the buyer purchases lump, chunk, or block, egg, Junior egg or stove coals in quantities of 40 tons or more, dealer must reduce consumer's price not less than 50 cents per ton. This quantity discount does not apply on stoker, run-of-mine, or nut and slack coals.

(iv) *Credit.* No additional charge over the prices listed in this schedule may be made for the extension of credit.

(d) *Ex Parte 148 freight rate increase, transportation tax.*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by Section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). But no part of that tax may be collected in addition to the maximum price on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(g) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(1) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(i) *Posting of maximum prices, sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his

place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (n) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Knoxville, Tennessee, District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this order No. G-7 the term:

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

(2) "Sell" includes sell, supply, dispose, barter exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" refers to coal produced in certain sections of the producing districts specified herein.

(9) "Lump, egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(1) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-7 shall become effective September 30, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued September 20, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-15399; Filed, September 20, 1943; 4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 68-30]

FEDERATED UTILITIES, INC., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

In the matter of Howard F. Allen, Chairman, John K. Starkweather and Edward J. Costigan, Jr., as a protective committee of Federated Utilities, Inc. First Lien Collateral Trust 5½% Bondholders; Central Republic Company; Whitaker and Company and Starkweather & Co.

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 18th day of September, A. D. 1943.

Notice is hereby given that declarations have been filed by Howard F. Allen, Chairman, John K. Starkweather and Edward J. Costigan, Jr., as a "Protective Committee of Federated Utilities, Inc. First Lien Collateral Trust 5½% Bondholders" and by Central Republic Company, Whitaker and Company and Starkweather & Co., pursuant to the Public Utility Holding Company Act of 1935 and particularly Rules U-62 and U-100 promulgated under said Act. All interested persons are referred to said declarations, which are on file in the office of this Commission, for a statement of the transactions proposed therein, which are summarized as follows:

Howard F. Allen, Chairman, John K. Starkweather and Edward J. Costigan, Jr., as a Protective Committee of Federated Utilities, Inc. First Lien Collateral Trust 5½% Bondholders, propose to solicit authorization from holders of the First Lien Collateral Trust 5½% Bonds, due March 1, 1957, issued by Federated Utilities, Inc., which bonds were assumed in 1938 by Consolidated Electric and Gas Company, now a registered holding company. Said committee proposes to represent such bondholders in proceedings before this Commission, and in any court having jurisdiction in the premises, in matters relative to a plan filed with this Commission pursuant to section 11 (e) of the above cited Act, and in the course of such representation to initiate, develop or negotiate such plan of reorganization of said Consolidated Electric and Gas Company and of the holding company system of which such said company forms a part as said committee may deem suitable and to oppose any plan which said protective committee does not deem beneficial to said bondholders.

Howard F. Allen is vice president and secretary of Central Republic Company, an investment banking organization having its principal business office in Chicago, Illinois.

John K. Starkweather is a member of the partnership of Starkweather & Co., which firm is engaged in the investment banking and brokerage business and has its principal business office in New York City.

Edward J. Costigan, Jr., is vice president of Whitaker and Company, a corporation also engaged in the investment banking business and having its principal business office in St. Louis, Missouri.

Central Republic Company, Starkweather & Co. and Whitaker and Company have filed separate declarations, whereby each of said declarants requests that it be exempted from the requirements of Rule U-62 (g) which are, in relevant substance, that no securities of a company or companies in reorganization, or of any subsidiary of such company, or of any other associate company thereof which may be affected by the reorganization, shall be bought or sold by or for the account of any person (or persons) making any solicitation subject to said Rule U-62 in

connection with such reorganization, or any person affiliated with any such person by reason of any of the relationships set forth in said Rule U-62 (g), and that no such person, or person so affiliated, shall give any investment advice with respect to any such securities, directly or indirectly.

Exemption from the provisions of Rule U-62 (g) is also asked by the declarant investment banking organizations for Allen, Starkweather and Costigan in respect of their activities as an officer of Central Republic Company, a partner of Starkweather & Co. and an officer of Whitaker and Company, respectively, as distinguished from their respective activities as individuals.

It appearing to the Commission that common questions of law and of fact are involved in the proceedings upon the several declarations hereinabove mentioned and that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declaration should not be permitted to become effective except pursuant to further order of this Commission;

It is ordered, That the proceedings in respect of the several declarations hereinabove mentioned be, and they are hereby consolidated for the purposes of hearing;

It is further ordered, That a hearing on such matters, under the applicable provisions of said Act and the Rules and Regulations of the Commission, be held on September 23, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at any such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with the proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before September 21, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission; and

It is further ordered, That without limiting the scope of issues presented by the aforesaid declarations and to be considered at the hearing, particular attention will be directed to the following matters and questions:

1. Whether such solicitation is necessary or appropriate in the public interest or for the protection of investors and consumers;

2. Whether the proposed solicitation literature complies with the requirements of Rule U-62;

3. Whether periodic reports and statements of accounts shall be made by the proposed committee to the persons from whom authorizations are procured;

4. Whether the persons constituting the protective committee, or any one or more of them, have interests of any character, or represent interests of any character which might conflict with the interests of the bondholders sought to be solicited, or might impair the ability of such individuals, or any one or more of them, to adequately and fairly represent such bondholders;

5. Whether the requirements of Rule U-62 (g) are unnecessary and inappropriate in the public interest or for the protection of investors or consumers in respect of the activities of the three declarant investment banking organizations, and in respect of the activities of the persons contributing the protective committee in their respective capacities as officers and partner of the declarant investment banking organizations, or in respect of any one or more of such declarants;

6. Whether, if the declarations or any one or more of such declarations, are permitted to become effective, any terms or conditions should be imposed in connection therewith, and, if so, what such terms and conditions should be.

By the Commission,

[SEAL] ORVAL L. DuBOIS,
Secretary,

[F. R. Doc. 43-15413; Filed, September 21, 1943; 11:58 a. m.]

[File No. 70-787]

NY PA NJ UTILITIES COMPANY AND NEW JERSEY POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of September 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by NY PA NJ Utilities Company, a registered holding company, and its wholly-controlled subsidiary, New Jersey Power & Light Company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

NY PA NJ Utilities Company proposes to purchase from New Jersey Power & Light Company 341,350 shares of the common stock (comprising all of the latter's holdings and approximately one-third of the total outstanding common stock) of Jersey Central Power & Light Company, for the sum of \$4,312,208 (representing the cost of such shares as carried on the books of New Jersey Power

& Light Company). The agreement of sale between the applicants-declarants also provides for the cancellation of an existing escrow agreement dated March 14, 1938 (entered into for the protection of New Jersey Power & Light Company from loss by reason of its ownership of said 341,350 shares of common stock) and for the return to NY PA NJ Utilities Company of the securities held in escrow, namely: \$1,000,000 of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, and \$1,000,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1991.

By order dated July 18, 1939, the Federal Power Commission determined that the acquisition of the said 341,350 shares of common stock by New Jersey Power & Light Company was in violation of section 203 (a) of the Federal Power Act; that order was affirmed by the United States Circuit Court of Appeals for the Third Circuit, and the judgment of that court was affirmed by the Supreme Court of the United States on May 3, 1943. The applicants-declarants state that the proposed transaction will enable New Jersey Power & Light Company to divest itself of the shares of stock held to have been unlawfully acquired and will settle the various legal problems growing out of such acquisition and transactions incidental thereto.

Applicants-declarants have designated sections 9 (a), 10, and 12 (f) of the Act, and Rule U-43 promulgated thereunder, as applicable to the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules of the Commission thereunder be held on October 11, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transaction is appropriate and in the public interest and the interest of investors and consumers;

2. Whether the proposed acquisition by NY PA NJ Utilities Company will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system;

3. The propriety of the proposed accounting treatment of the proposed transaction on the books of the applicants-declarants;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors; and

5. Whether the proposed transaction complies with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-15412; Filed, September 21, 1943; 11:58 a. m.]

[File No. 811-274]

THE UNITED GAS AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of September, A. D. 1943.

An application having been filed by The United Gas and Electric Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on October 4, 1943 at 11:00 o'clock a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-15414; Filed, September 21, 1943; 11:58 a. m.]

UNITED STATES TARIFF COMMISSION.

[Docket No. 12]

IMPORTATION AND SALE OF MEDICAL SWABS

NOTICE OF HEARING

In the matter of complaint of unfair methods of competition and unfair acts in the importation and sale of medical swabs.

Notice is hereby given, pursuant to section 337 of the Tariff Act of 1930 and the Rules of the United States Tariff Commission (19 CFR 203.5), that a public hearing in the foregoing investigation will be held by the United States Tariff Commission in Room 231, Empire State Building, 350 Fifth Avenue, New York, N. Y., beginning at 10 a. m. on the 22d day of October 1943.

All parties interested in the investigation of alleged unfair methods of competition or unfair acts in the importa-

tion or sale of medical swabs will be afforded opportunity to be present at this hearing, to produce evidence, and to be heard concerning the subject matter of this investigation.

By order of the United States Tariff Commission this 17th day of September 1943.

E. M. WHITCOMB,
Acting Secretary.

[F. R. Doc. 43-15411; Filed, September 21, 1943; 11:54 a. m.]