

329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10577; Filed, October 20, 1942;
11:12 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION [Supplementary Order 23]

REMOVAL OF REQUIREMENT OF NOTARIZATION OF REPORTS

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

§ 1305.27 *Removal of requirement of notarization of reports.* (a) On and after the effective date hereof no report filed pursuant to any price regulation heretofore issued by the Office of Price Administration need be sworn to or affirmed.

(b) "Price regulation," as in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 23 (§ 1305.27) shall become effective October 24, 1942.

(Pub. Laws 421 and 729; E.O. 9250, 7 F.R. 7871.)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10547; Filed, October 19, 1942;
2:18 p. m.]

PART 1340—FUEL

[RPS 88, Amendment 34]

PETROLEUM AND PETROLEUM PRODUCTS

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

A new subparagraph (8) is added to § 1340.159 (b) as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* * * *

(8) Notwithstanding the provisions of other subparagraphs of this paragraph

and § 1340.159 (c), where a seller of fuel oil of Grade No. 5 or lighter, was giving free oil burner service to purchasers located in the corporate limits of Baltimore City and the counties immediately bordering on Baltimore City, including Baltimore County, Anne Arundel County, Howard County, Harford County, and Carroll County, such seller may make additional charges for servicing such purchaser's oil burner on the following basis:

(i) Each call one dollar and fifty cents (\$1.50).

(ii) In addition to the basic charge for a call authorized under subdivision (i) a charge of one dollar and fifty cents (\$1.50) may be made for performance of a vacuum cleaning job once in any single twelve-month period, and a charge of one dollar (\$1.00) may be made for performance of an Orsat or other instrument analysis of flue gases or products of combustion once in a single twelve-month period.

§ 1340.158a *Effective dates of amendments.* * * *

(hh) Amendment No. 34 (§ 1340.159 (b) (8) to Revised Price Schedule No. 88 shall become effective October 24, 1942: *Provided, however,* That buyers who have already made contracts with sellers to pay for service rendered at a certain rate in the event that such a charge would be authorized by the Office of Price Administration may be charged therefore in accordance with the terms of such contract if such charges do not exceed what could be charged under the terms of subparagraph (8).

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

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10535; Filed, October 19, 1942;
12:16 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 243]

PITTED AND MACERATED DOMESTIC DATES AND DOMESTIC DATE PRODUCTS

In the judgment of the Price Administrator, the maximum prices established by this regulation for pitted and macerated domestic dates and domestic date products are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, the Act of Congress approved October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes" and the Executive Order No. 9250, dated October 3, 1942.

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.*

The maximum prices established herein are not below prices which will reflect to the producers of domestic dates prices for their products equal to the higher of the prices required by the provisions of

the Emergency Price Control Act of 1942, as amended and the said Executive Order No. 9250.

Therefore, under the authority vested in the Price Administrator by the aforesaid Acts and Executive Order, and in accordance with the provisions of Procedural Regulation No. 1, Maximum Price Regulation No. 243 is hereby issued.

Authority: §§ 1351.901 to 1351.913, inclusive, issued under Pub. Law 421, and 729, 77th Cong.; E.O. 9250.

§ 1351.901 *Prohibition against dealing in pitted domestic dates, macerated domestic dates and domestic date products above maximum prices.* (a) On and after October 24, 1942, regardless of any contract or other obligation, no processor or primary distributor shall sell or deliver any pitted domestic dates, macerated domestic dates or domestic date products at a price higher than the maximum price established pursuant to this Maximum Price Regulation No. 243.

(b) No person in the course of trade or business shall buy or receive any pitted domestic dates, macerated domestic dates or domestic date products from a processor or primary distributor at a price higher than the maximum price established by this Maximum Price Regulation No. 243; and

(c) No processor, primary distributor or other person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1351.902 *Maximum prices of processors for packaged pitted domestic dates, macerated domestic dates and domestic date products.* (a) The maximum price, f. o. b. plant, for sales of packaged pitted domestic dates by a processor shall be three cents per ounce.

(b) The maximum price, f. o. b. plant, for sales of macerated domestic dates by a processor shall be fifteen cents per pound.

(c) The maximum price, f. o. b. plant, for sales of domestic date products by a processor shall be twenty-eight and one-half cents per pound when sold in bulk or in packages containing more than one pound, and thirty-one cents per pound when sold in packages containing one pound or less.

(d) The maximum prices established herein include brokerage. The seller shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1351.903 *Maximum prices of primary distributors for pitted domestic dates, macerated domestic dates and domestic date products.* (a) The maximum price, f. o. b. primary distributor's warehouse, for sales of packaged pitted domestic dates, macerated domestic dates or domestic date products by a primary distributor shall be the actual cost to the primary distributor plus seven per cent of such cost.

(b) The actual cost to the primary distributor shall be the cost of the item plus freight less any discount or allowance to the primary distributor.

(c) For the purposes of this Maximum Price Regulation No. 243 a primary distributor means a person who refrigerates and warehouses pitted domestic dates,

* 7 F.R. 971, 3663, 6967.

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

7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 3116, 3482, 3524, 3576, 3895, 3963, 4484, 4653, 4854, 4857, 5481, 5867, 5868.

macerated domestic dates or domestic date products and makes sales thereof to wholesalers, institutional or commercial users.

(d) In the event that any other maximum price regulation heretofore or hereafter issued by the Office of Price Administration establishing maximum prices for sales of packaged pitted domestic dates, macerated domestic dates or domestic date products at wholesale, shall define a wholesaler in such manner as to include a primary distributor as defined in this section, such primary distributor, when making sales of such items to wholesalers, institutional or commercial users, shall compute his maximum price solely pursuant to the provisions of this section and not pursuant to the provisions of such other maximum price regulation.

(e) The primary distributor shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1351.904 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 243 may be charged, demanded, paid or offered.

§ 1351.905 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 243 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pitted domestic dates, macerated domestic dates and domestic date products, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.906 *Records.* (a) Every processor who makes sales of packaged pitted domestic dates, macerated domestic dates or domestic date products after the effective date of this Maximum Price Regulation No. 243 shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) Every primary distributor who makes sales of packaged pitted domestic dates, macerated domestic dates or domestic date products after the effective date of this Maximum Price Regulation No. 243 shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended, remains in effect, all his records, bills, invoices or other documents which are used as the basis of computing his maximum prices hereunder and all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

§ 1351.907 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 243, are subject to

the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1351.908 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 243, may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1351.909 *Applicability.* The provisions of this Maximum Price Regulation No. 243 shall be applicable only in the United States and the District of Columbia.

§ 1351.910 *Export sales.* The maximum price at which a person may export pitted domestic dates, macerated domestic dates and domestic date products shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

§ 1351.911 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 243 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries of packaged pitted domestic dates, macerated domestic dates and domestic date products by processors or primary distributors, for which maximum prices are established by this regulation.

§ 1351.912 *Definitions.* (a) When used in this Maximum Price Regulation No. 243 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, or any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Processor" means a person who pits, macerates or grinds domestic dates.

(3) "Pitted domestic dates" means domestic dates from which the pits have been removed, but which otherwise remain whole.

(4) "Macerated domestic dates" means domestic dates from which the pits have been removed and which have been cut into two or more pieces or have been chopped, sliced or ground.

(5) "Domestic date products" means any product containing ninety per cent or more by weight of macerated domestic dates combined with other ingredients.

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

§ 1351.913 *Effective date.* This Maximum Price Regulation No. 243 (§§ 1351.901 to 1351.913, inclusive) shall become effective October 24, 1942.

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10548; Filed, October 19, 1942;
2:18 p. m.]

* 7 F.R. 5059.

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 4A to Maximum Rent Regulations]

HOTELS AND ROOMING HOUSES

Sections 1388.1507, 1388.1557, 1388.1607, 1388.1857, 1388.1907, 1388.1957, 1388.2007, 1388.3007, 1388.4007, 1388.5007, 1388.6007, 1388.7007, 1388.8007, 1388.9007, 1388.87, and 1388.187 of Maximum Rent Regulations No. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, and 50A, respectively, are amended by changing the titles and by adding paragraph (e) to such sections, as follows:

Registration and records. * * *

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c).

On and after October 19th, 1942, every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

This Supplementary Amendment No. 4A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective October 19th, 1942.

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

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10549; Filed, October 19, 1942;
2:18 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amendment 32]

MACHINES AND PARTS AND MACHINERY SERVICES

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

In § 1390.2 new paragraph (k) is added, as set forth below:

§ 1390.2 Exclusions. * * *

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

(k) Any sale or delivery of second-hand snowplows to the United States Army.

§ 1390.31a. *Effective dates of amendments.*

(ff) This Amendment No. 32 (§ 1390.2 (k)) shall become effective October 24, 1942.

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

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10534; Filed, October 19, 1942;
12:15 p. m.]

PART 1394—FUEL OIL

[Ration Order 11]

FUEL OIL RATIONING REGULATIONS

Preamble. The shortage of fuel oil and other petroleum products in the eastern states has become one of the most critical problems confronting the nation. Prior to 1941, approximately 95% of the fuel oil used in the East was shipped by oil tanker from other areas. The diversion of tankers to other routes, since the outbreak of the war, has caused a sharp reduction in shipments and a consequent supply shortage of serious proportions.

It is essential to guarantee the continued availability of adequate supplies of fuel oil for military and naval use and for industrial and agricultural operations. At the same time, provision must be made for the scarcely less critical domestic uses upon which civilian life has become dependent. Intensive efforts have therefore been made to increase shipments by railroad tank car and other transportation facilities. Tank cars have been withdrawn from other routes, to serve the Eastern states. Oil stocks in adjacent mid-western areas have been and are being drawn upon, in order to reduce the shortage and alleviate the hardships in the East. As a result of these efforts, tank car shipments to the East coast have been increased to an extent not previously thought possible. However, the shortage remains acute. Furthermore, the withdrawal of stocks and of transportation facilities from adjacent areas has already produced a shortage in other localities. The area of shortage is thus moving westward, and an acceleration of that movement is an almost inevitable consequence of the measures taken to avoid a shortage of disastrous proportions in the East.

In order to provide for equitable distribution of fuel oil in the areas of shortage, a system of rationing control must be adopted. Accordingly, the War Production Board has directed the Office of Price Administration to ration fuel oil in thirty eastern and midwestern states, and in the District of Columbia.

Ration Order No. 11 is issued pursuant to that directive. It makes provision for an unrestricted supply of fuel oil for military and naval uses and for existing industrial, commercial and agricultural operations which, in a war economy, cannot generally be curtailed. The reduction of

demand to the available supply is sought to be achieved largely by a curtailment of the use of fuel oil for heating premises and for hot water, virtually the only classes of uses which can be uniformly reduced without directly impeding the war effort. In order to avoid the unnecessary use of fuel oil, rations are denied altogether where equipment using non-scarce fuels is available, or where oil burning equipment furnishing heat or hot water to premises other than private dwellings can be converted to the use of a non-scarce fuel. To that end, Ration Order No. 11 is integrated with the conversion program of the Office of the Petroleum Coordinator.

For the purpose of determining heat and hot water rations, private dwellings and premises other than private dwellings receive significantly different treatment.

In the case of private dwellings, the heat ration is limited by a range reflected in tables computed on the basis of a heat loss formula. The formula was devised to determine normal fuel oil requirements of a private dwelling in a given area. By appropriate adjustments, it can be used to determine the requirements of an average house or of a well insulated house with high oil burner efficiency. Such adjustments, reflected in the tables, are used to fix the maximum and minimum of the range within which the heat ration is determined. The maximum of the range represents, roughly, the requirements of a home of slightly less than average efficiency. The minimum represents the requirements of a well-insulated home, with an efficient burner. The heat ration is then determined on the basis of 66⅔% of past consumption, within the limits of the range described above. The ration may not, in any event, exceed the maximum of the range, nor may it be less than either the minimum of the range or 85% of past consumption (whichever is less).

The domestic hot water ration for private dwellings is determined on the basis of occupancy.

In the case of premises other than private dwellings, both heat and hot water rations are determined on the basis of 66⅔% of past consumption, with no limiting range.

Since heating requirements vary according to weather conditions, the rationed area is divided into thermal zones and subzones. The figures used for computing heat rations differ in each subzone, in order to reflect varying weather conditions. Moreover, the coupons issued for heat rations are of an indefinite gallonage value, thus permitting adjustments to weather conditions during the coming winter. Additional flexibility is provided by using differently colored coupons in each thermal zone, so that different values can be assigned to correspond to temperature variations in the different zones.

Auxiliary heat and hot water rations are made available in special cases, where an additional supply of oil is required for reasons of health or for the performance of certain commercial or industrial operations.

In order to control distribution, transfers of fuel oil may be made only in ex-

change for coupons or other tokens authorized by Ration Order No. 11. All members of the trade are required to register with their Local Board, to state their initial inventory, and to keep records of their transactions. Primary suppliers, to whom coupons and other evidences ultimately flow, are required to make periodic reports to the Office of Price Administration.

Accordingly, pursuant to the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, and Directive No. 1 and Supplementary Directive No. 1-O of the War Production Board, issued on January 24 and October 16, 1942, respectively, *It is hereby ordered, That:*

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AUTHORITY: §§ 1394.5001 to 1394.5901, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421 and 729, 77th Cong., WPB Dir. No. 1, 7 F. R. 562; Supp. Div. 1-O, *supra*.

DEFINITIONS

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

(1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or lighting purposes, which was installed subsequent to July 31, 1942.

(2) "Allowable ration" means the number of gallons of fuel oil used as a base for determining the number and value of fuel oil coupons to be issued to an applicant.

(3) "Alternate fuel" means any fuel other than a petroleum product, electricity, natural gas, manufactured gas, or mixed natural and manufactured gas.

(4) "Base period" means the period from June 1, 1941 to May 31, 1942, inclusive.

(5) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(6) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(7) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

(8) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(9) "Convertible facilities" means any fuel oil burning equipment which can be converted to the use of an alternate fuel: *Provided*, That such equipment shall be deemed convertible only if the materials necessary for such conversion are on hand and the required labor is available or if such materials and labor can be obtained without unreasonable difficulty or expense, and only if an alternate fuel is available.

(10) "Dealer" means any person, including a supplier, who operates a regular place of business at or from which fuel oil is regularly transferred to consumers. The term also includes any person who operates a tank truck or tank wagon for the transfer of fuel oil directly to consumers and who does not maintain stationary fuel oil storage tanks.

(11) "Domestic," as applied to cooking or lighting, means cooking or lighting in a household for the benefit of the family occupying such household, and not for profit.

(12) "Domestic hot water" means hot water used in a private dwelling for household and lavatory purposes and for cleaning premises; it does not include hot water used as an integral part of any commercial, industrial, agricultural, or extractive process.

(13) "Evidence" means a token designed by the Office of Price Administration to represent a right to receive a transfer of fuel oil, and exchangeable for such fuel oil. The term includes coupons, acknowledgments of delivery, inventory coupons, exchange certificates and export certificates. The term does not include Delivery Receipts on Form OPA R-1125.

(14) "Family" means either one person maintaining a household or two or more persons maintaining a common household.

(15) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades Nos. 1, 2, 3, 4, 5, and 6, whether or not blended or rebranded, such as Bunker C, Diesel oil, kerosene, range oil and gas oil. The term also includes any other liquid petroleum product having the same specifications as the above designated grades used for the same purposes as such grades.

(16) "Heating year" means the period from October 1, 1942, to September 30, 1943, inclusive.

(17) "Inventory coupon" means a one-gallon or one hundred-gallon coupon so designated by the Office of Price Administration representing unfilled storage capacity of a dealer or secondary supplier, or used for such other purpose as may be provided in Ration Order No. 11.

(18) "Issuing Board" means the War Price and Rationing Board which issued a specified ration.

(19) "Limitation area" means the states of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

(20) "Non-occupational use" means use for a purpose other than carrying on a business, gainful work, or work which contributes to the war effort or to the public welfare.

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

(22) "Primary supplier" means:

(i) Any person who refines fuel oil within the limitation area; or

(ii) Any person who makes a first transfer of fuel oil within the limitation area from stationary storage facilities within the limitation area; or

(iii) Any consumer who maintains an establishment within the limitation area

at which delivery of fuel oil for his own use is taken by pipeline, barge, tank ship, or railroad tank car, on direct shipment from without the limitation area; or

(iv) Any person, whether within or without the limitation area, who does not maintain stationary storage facilities within the limitation area, and who sends or brings fuel oil into the limitation area and transfers it to a person other than a primary supplier as defined in subdivisions (i), (ii) or (iii) of this subparagraph.

A person shall be deemed to be a primary supplier only with respect to the establishments or facilities maintained by him at or from which operations described in subdivisions (i), (ii), (iii) or (iv) of this subparagraph are carried on, and with respect to establishments which are replenished solely on a stock transfer basis, rather than on a sales basis, from establishments at or from which operations described in subdivision (i), (ii), (iii) or (iv) of this subparagraph are carried on: *Provided*, That if such person does not maintain stationary storage facilities, he shall be deemed to be a primary supplier with respect to all the mobile facilities operated by him within the limitation area.

(23) "Private dwelling" means a building or structure designed for the occupancy of fewer than four (4) families, but does not include a rooming house, boarding house, dormitory, lodging house or hotel in which four (4) or more rooms are regularly rented or available for rental, nor does it include a building in which less than seventy percent (70%) of the total floor space is used for residential purposes.

(24) "Ration," as the context requires, means either a right to acquire and use fuel oil, evidenced by coupons or Delivery Receipts issued by a Board, or the amount of fuel oil acquired in exchange for such coupons or Delivery Receipts.

(25) "Residual oil" means fuel oil commonly known as residual oil (as opposed to distillate oil), including grades No. 5 and 6, and all blended or rebranded fuel oils having the same specifications as commercial standard grades No. 5 and 6. The term also includes all fuel oils having a viscosity of more than 85 seconds (Saybolt Universal at 100 degrees F.).

(26) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of transferring fuel oil for resale: *Provided*, That any person who receives fuel oil on consignment from a primary supplier, title to the fuel oil remaining in the primary supplier until the time of transfer by the consignee, shall not with respect to such fuel oil be deemed to be a secondary supplier, but shall, for all the purposes of this Ration Order No. 11, be deemed to be an agent of such primary supplier with respect thereto.

(27) "Space heater" means any oil burning equipment (including portable heaters) designed to heat the space adjacent to such equipment, without the use of pipes or ducts for conveying heat to such space.

(28) "Standby facilities" means equipment (other than fireplaces) in service-

able operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(29) "State" includes the District of Columbia.

(30) "Supplier" means a primary supplier, a secondary supplier, or both.

(31) "Thermal Zone A" means the states of Maine, New Hampshire, Vermont, Michigan, Wisconsin, Minnesota, North Dakota and South Dakota; that part of the State of New York north of, and including, the counties of Washington, Saratoga, Montgomery, Otsego, Herkimer, Oneida, Lewis and Jefferson; and that part of the State of Iowa north of, and including, the counties of Allamakee, Winneshiek, Chickasaw, Floyd, Cerro Gordo, Hancock, Kossuth, Palo Alto, Clay, O'Brien and Sioux.

(32) "Thermal Zone B" means the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania and Nebraska; that part of the State of New York south of, and including, the counties of Rensselaer, Albany, Schenectady, Schoharie, Delaware, Chenango, Madison, Onondaga, Oswego, Cayuga, Wayne, Monroe, Orleans and Niagara; that part of the State of Ohio north of, and including, the counties of Columbiana, Jefferson, Belmont, Noble, Morgan, Perry, Hocking, Pickaway, Fayette, Clinton, Greene, Montgomery and Preble; that part of the State of Indiana north of, and including, the counties of Union, Fayette, Rush, Hancock, Marion, Hendricks, Putnam, Parke and Vermillion; that part of the State of Illinois north of, and including, the counties of Edgar, Coles, Shelby, Christian, Sangamon, Morgan, Scott and Pike; that part of the State of Missouri north of, and including, the counties of Pike, Ralls, Monroe, Randolph, Chariton, Livingston, Caldwell, Clinton and Buchanan; that part of the State of Iowa south of, and including, the counties of Clayton, Fayette, Bremer, Butler, Franklin, Wright, Humboldt, Pocahontas, Buena Vista, Cherokee and Plymouth; and that part of the State of Kansas north of, and including, the counties of Atchison, Jackson, Shawnee, Pottawatomie, Riley, Clay, Cloud, Mitchell, Osborne, Rooks, Ellis, Trego, Gove, Lane, Scott, Wichita and Greeley.

(33) "Thermal Zone C" means the states of Delaware, Maryland, District of Columbia, Virginia, West Virginia and Kentucky; that part of the State of Ohio south of, and including, the counties of Monroe, Washington, Athens, Vinton, Ross, Highland, Brown, Clermont, Warren and Butler; that part of the State of Indiana south of, and including, the counties of Franklin, Decatur, Shelby, Johnson, Morgan, Owen, Clay and Vigo; that part of the State of Illinois south of, and including, the counties of Clark, Cumberland, Effingham, Fayette, Montgomery, Macoupin, Greene and Calhoun; that part of the State of Missouri south of, and including, the counties of Lincoln, Montgomery, Audrain, Boone, Howard, Saline, Carroll, Ray, Clay and Platte; and that part of the State of Kansas south of, and including, the counties of Wyandotte, Leavenworth, Jefferson, Douglas, Osage, Wabaunsee, Geary, Dickinson, Ottawa, Lincoln, Barton, Russell,

Hodgeman, Rush, Ness, Finney, Kearny and Hamilton.

(34) "Thermal Zone D" means the states of North Carolina, South Carolina, Georgia and that part of the State of Florida lying east of the Apalachicola River.

(35) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(36) "Unit," as applied to a coupon, means the amount of fuel oil, as fixed from time to time, by order or direction of the Office of Price Administration, for which a coupon bearing the imprint "one unit" may be exchanged.

(37) "Washington Office" means the Office of Price Administration in Washington, D. C.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SCOPE OF RATION ORDER NO. 11

§ 1394.5051 *Territorial limitations.* Except as otherwise expressly provided, Ration Order No. 11 shall apply only within the limitation area as defined in subparagraph (19) of paragraph (a) of § 1394.5001.

§ 1394.5052 *Scope of restrictions.* Nothing in Ration Order No. 11 shall be construed to limit the quantity of fuel oil which may be acquired:

(a) By or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission, of the United States; or

(b) By any person, for export to and consumption or use in any foreign country.

JURISDICTION OF BOARDS

§ 1394.5101 *Jurisdiction of Boards over issuance of rations.* For the purposes of Ration Order No. 11, a Board shall have jurisdiction over:

(a) Persons who have applied to such Board for a ration, or who have registered with it; and

(b) The issuance of rations:

(1) For the operation of any stationary oil burning machinery or equipment in the area assigned to such Board;

(2) For the operation of any mobile oil burning equipment, including vehicles and watercraft, customarily garaged, stationed or kept in the area assigned to such Board;

(3) For any use, not specified in subparagraphs (1) and (2) of this paragraph, in the area assigned to such Board;

(4) For the operation of any stationary or mobile oil burning machinery or equipment, customarily used outside the

limitation area; or for any other use outside the limitation area;

(5) To any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of subparagraphs (1), (2) or (3) of this paragraph; any person applying for a ration pursuant to this subparagraph shall furnish to the Board with which he files his application the address of the Board having jurisdiction pursuant to the provisions of such subparagraphs (1), (2), or (3); and

(c) Other matters specifically provided for in Ration Order No. 11.

RESTRICTIONS ON ISSUANCE OF RATIOMS

§ 1394.5151 *Restrictions on issuance of rations.* (a) No ration shall be issued or used:

(1) For the operation of additional facilities or converted facilities unless:

(i) In the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the additional facilities were to be installed was completed prior to July 31, 1942; or

(ii) In the case of converted facilities, the conversion was completed prior to July 31, 1942; or

(iii) In the case of either additional or converted facilities, the person using them cannot use and alternate fuel either because it is unavailable or because technical utilization factors prevent its use;

(2) For the operation of fuel oil burning equipment if standby facilities are available and can be used as a substitute for such equipment, unless such standby facilities are operated in such manner as to take the place of such equipment to the maximum extent and to effect the maximum reduction in fuel oil requirements; the allowable ration for the operation of such equipment shall be reduced by the amount of fuel oil which can be saved by maximum utilization of such standby facilities;

(3) For the operation of convertible facilities for furnishing heat or hot water, or both, to premises other than private dwellings, except to the extent necessary to operate such facilities until the earliest date when conversion can be completed;

(4) For the operation of oil burning equipment for the purpose of cooling space (other than hospital space) for human occupancy;

(5) For furnishing heat or hot water to premises to the extent that such premises are supplied with heat or hot water as a by-product of an industrial process or of the production of power;

(6) For the operation of any space heater in premises adequately served by central heating facilities, except as otherwise provided in Ration Order No. 11;

(7) For the operation of a passenger automobile, as defined in Ration Order No. 5A or 5C of the Office of Price Administration;

(8) For the operation of coal spraying equipment.

(b) The provisions of this section shall not apply to equipment with respect to which an exception has been granted by

the War Production Board pursuant to Limitation Order L-56, as amended.

(c) Any dealer or supplier who has made a transfer of fuel oil to a consumer in exchange for a coupon note in accordance with Limitation Order L-56, as amended, of the War Production Board, for the operation of convertible facilities for which a ration may not be obtained pursuant to subparagraph (3) of paragraph (a) of this section, may obtain inventory coupons representing the amount so transferred, by applying to the Board which denied such ration. The Board shall issue to such dealer or supplier, in exchange for such note, inventory coupons equal in gallonage value to the amount so transferred, less any amount which may have been returned to such dealer or supplier by such consumer. Upon issuance of such coupons, the Board shall require the cancellation and surrender of such coupon note.

COUPON SHEETS

§ 1394.5201 *Class 1 and Class 2 coupon sheets.* (a) Class 1 and Class 2 coupon sheets (Form OPA R-1105 and Form OPA R-1106, respectively) shall contain coupons with a value of one (1) and ten (10) units, respectively. Such coupon sheets shall also contain coupons of a definite gallonage value.

(b) Unit value coupons on Class 1 and Class 2 coupon sheets shall be valid, for the transfer of fuel oil to a consumer, only in the thermal zone designated thereon and only during the valid periods indicated below:

(1) In Thermal Zone A:

Coupons Numbered	Valid Period
1	Up to and including December 13, 1942.
2	From November 30, 1942, to January 20, 1943, inclusive.
3	From January 7, 1943, to February 22, 1943, inclusive.
4	From February 9, 1943, to March 31, 1943, inclusive.
5	From March 18, 1943, to September 30, 1943, inclusive.

(2) In Thermal Zone B:

Coupons Numbered	Valid Period
1	Up to and including December 16, 1942.
2	From December 3, 1942, to January 19, 1943, inclusive.
3	From January 6, 1943, to February 20, 1943, inclusive.
4	From February 7, 1943, to March 26, 1943, inclusive.
5	From March 13, 1943, to September 30, 1943, inclusive.

(3) In Thermal Zone C:

Coupons Numbered	Valid Period
1	Up to and including December 17, 1942.
2	From December 4, 1942, to January 18, 1943, inclusive.
3	From January 5, 1943, to February 16, 1943, inclusive.
4	From February 3, 1943, to March 20, 1943, inclusive.
5	From March 7, 1943, to September 30, 1943, inclusive.

(4) In Thermal Zone D:

Coupons Numbered	Valid Period
1	Up to and including December 19, 1942.
2	From December 6, 1942, to January 16, 1943, inclusive.
3	From January 3, 1943, to February 19, 1943, inclusive.
4	From February 6, 1943, to March 20, 1943, inclusive.
5	From March 7, 1943, to September 30, 1943, inclusive.

(c) Definite value coupons on Class 1 and Class 2 coupon sheets shall be valid for the transfer of fuel oil to a consumer only during the period of validity of the coupon sheet, as noted thereon by the issuing Board.

(d) Class 1 and Class 2 coupon sheets shall be issued as rations for heat or both heat and hot water in any premises.

§ 1394.5202 *Class 3, 4, 5 and 6 coupon sheets.* (a) Class 3, 4, 5 and 6 coupon sheets (Forms OPA R-1107, 1108, 1109, and 1110, respectively) shall contain coupons of a definite gallonage value of one (1), five (5), twenty-five (25) and one hundred (100) gallons, respectively. Coupons on such coupon sheets shall be valid for the transfer of fuel oil to a consumer only during the period of validity of the coupon sheets, as noted thereon by the issuing Board.

(b) Class 3, 4, 5 and 6 coupon sheets shall be issued as rations for any purposes authorized by Ration Order No. 11 other than those specified in paragraph (d) of § 1394.5201.

HEAT AND HOT WATER RATIOMS

§ 1394.5251 *Persons entitled to rations for heat and hot water.* The owner of the premises served by, or the person controlling the use of, oil burning equipment designed for, and furnishing, heat or hot water, or both, to all or part of any premises, may obtain a ration for the operation of such equipment for such purpose during the heating year.

§ 1394.5252 *Applications for rations for heat and hot water; general provision.* (a) Application for a ration for heat or hot water, or both, may be made to a Board, on or after October 22, 1942. Application may be made either by the owner of the premises served by the equipment, or by the person controlling the use of the equipment, or by the agent of either of them.

(b) A separate application shall be made for each unit of oil burning equipment serving the premises and such application shall cover only the part of the premises served by such unit, except that if two or more units of oil burning equipment serving a single building are under common ownership or control, a single application may be made for all such units.

(c) If two or more persons are entitled to apply for a ration for the same unit of oil burning equipment, application may be made by either of such persons, or by all jointly.

§ 1394.5253 *Same; establishment of fuel oil consumption during base period; certifications as to purchases.* An applicant for a ration for heat or for heat and

hot water in any premises or for hot water in premises other than a private dwelling, shall establish fuel oil consumption in the premises for such purpose during the base period. He shall, except for good cause shown, obtain from each dealer or supplier from whom fuel oil was purchased for such use during the base period, a certification showing the total amount of fuel oil purchased from such dealer or supplier during the base period for the equipment for which the application is made. A certification from each such dealer or supplier shall be annexed to and submitted with the application.

§ 1394.5254 *Same; determination of fuel oil consumption for heat and hot water during base period.* (a) The amount of fuel oil (if any) actually consumed during the base period in furnishing heat or hot water, or both, to the premises for which the application is made, shall be determined by the Board. Such determination shall be made subject to the following requirements:

(1) The amount claimed by the applicant to have been consumed must be supported by or reconciled with the total purchases shown in the certifications furnished pursuant to § 1394.5253.

(2) If the certifications so furnished cannot be reconciled with the amount claimed to have been consumed, consumption during the base period shall be deemed not to have exceeded (and may in any event be found to have been less than) the amount evidenced by such certifications plus the capacity of any storage tank or other container maintained for supplying the equipment for which the application is made.

(3) The applicant may establish that the amount stated in any such certification is incorrect. If the Board finds that the amount stated in any certification is incorrect, it shall, in determining consumption, take into account the amount actually purchased.

(b) If the applicant fails to obtain or to furnish the required certification from any dealer or supplier, but shows good cause for such failure, fuel oil consumption during the base period shall be deemed not to have been established. In such case the allowable ration shall be determined in accordance with the provisions of paragraph (a) (3) of § 1394.5256, or paragraph (c) of § 1394.5261, whichever is applicable. If no good cause is shown for such failure, no ration may be issued.

§ 1394.5255 *Application for ration for heat or domestic hot water in private dwellings.* (a) Application for a ration for the operation of oil burning equipment furnishing heat or domestic hot water, or both, to all or part of a private dwelling shall be made on Form OPA R-1100. The applicant shall supply the information required by that form.

(b) If application is made by a person other than the owner of the premises, a certification by the owner or his agent as to the accuracy of the statements made with respect to the premises and the oil burning equipment used therein, shall be annexed to the application: *Provided, however, That such certification shall not*

be required if the applicant shows good cause for his failure to obtain it.

§ 1394.5256 *Determination of allowable ration for heating private dwelling.* (a) The allowable ration for heating private dwelling premises during the heating year shall be 66⅔% of the amount of fuel oil consumed (as adjusted for temperature variations from the norm, pursuant to § 1394.5257) in heating such premises during the base period, except that:

(1) If 66⅔% of such adjusted consumption exceeds the maximum of the range established pursuant to § 1394.5258, the allowable ration shall be such maximum;

(2) If 66⅔% of such adjusted consumption is less than the minimum of such range, the allowable ration shall be either such minimum or 85% of such adjusted consumption, whichever is less;

(3) If consumption during the base period cannot be determined or is deemed not to have been established (as provided in paragraph (b) of § 1394.5254), or if such consumption is, for any reason (other than weather conditions), not representative of normal fuel oil requirements for heating the premises during the heating year, the allowable ration shall be the midpoint of such range.

(b) If one or more children less than four (4) years of age regularly occupy the premises, the allowable ration for the operation of the oil burning equipment heating such premises shall be increased by:

- (1) 125 gallons, in Thermal Zone A.
- (2) 100 gallons, in Thermal Zone B.
- (3) 75 gallons, in Thermal Zone C.
- (4) 50 gallons, in Thermal Zone D.

§ 1394.5257 *Same; determination of adjusted fuel oil consumption during base period.* Fuel oil consumption in heating private dwelling premises during the base period shall be determined and adjusted, for the purposes of § 1394.5256, in the following manner:

(a) The total amount of fuel oil used in the premises during the base period for heat or for both heat and hot water shall be determined pursuant to § 1394.5254;

(b) The amount of fuel oil (if any) used for hot water shall be deducted from such total. If fuel oil was used, during all or part of the base period, for supplying domestic hot water, the amount so used shall, in the absence of proof to the contrary, be deemed to have been twenty (20) gallons per month for the first person, plus five (5) gallons per month for each additional person, regularly occupying the premises while fuel oil was used for such purpose;

(c) The amount of fuel oil used during the base period for heating the premises shall be multiplied by the percentage specified in Column 1 of Table I for the thermal sub-zone in which the premises are located. The product shall, for the purposes of paragraph (a) of § 1394.5256, be deemed to be the amount of fuel oil consumed during the base period as adjusted for temperature variations from the norm.

§ 1394.5258 *Same; determination of range.* (a) The maximum and minimum

of the range within which the allowable ration for heating private dwelling premises shall be determined, for the purposes of paragraph (a) of § 1394.5256, shall be obtained by multiplying the floor area of the premises, computed pursuant to paragraph (b) of this section by:

(1) The maximum and minimum number of gallons per square foot of floor area, as shown in subcolumn (a) of Column 2 of Table I for the thermal sub-zone in which the premises are located, if the application is made for a ration for the operation of central heating equipment; or

(2) The maximum and minimum number of gallons per square foot of floor area, as shown in subcolumn (b) of Column 2 of Table I for the thermal sub-zone in which the premises are located, if the application is made for a ration for the operation of space heaters, except that if application is made both for space and central heating equipment used for heating the same premises at different times, the maximum and minimum for both types of equipment shall be determined pursuant to subcolumn (a).

(b) In computing the floor area of the premises for the purposes of paragraph (a) of this section, only necessary living and sleeping quarters and space used for occupational purposes shall be included: *Provided*, That in no event shall a total area in excess of 2,000 square feet for the first person, plus 600 square feet for the second person and 300 square feet for each additional person, regularly occupying the premises covered by the application, be included in determining the range.

§ 1394.5259 *Determination of ration for domestic hot water in private dwelling.* The allowable ration for supplying domestic hot water to private dwelling premises shall be 66⅔% of the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person, regularly occupying such premises, and multiplying the sum by the number of months during the heating year in which a ration for hot water is required.

§ 1394.5260 *Application for ration for heat or hot water in premises other than private dwellings.* (a) Application for a ration for the operation of oil burning equipment designed for, and furnishing, heat or hot water, or both, to all or part of any premises other than a private dwelling shall, except as provided in paragraph (a) of § 1394.5268 be made on Form OPA R-1101. The applicant shall supply the information required by that form.

(b) In the cases specified in paragraph (c) of this section, the applicant shall annex to his application a certification by a qualified plumber, architect or heating engineer showing the amount of fuel oil needed during the heating year to meet the normal heating requirements or the normal hot water requirement (or both, as the case may be) of the premises for which the application is made. Such certification shall be based on an examination of the application and an inspection of the premises; the engineer, architect or plumber furnishing such

certification shall take into consideration the construction of the premises, the purposes for which the premises are used and the weather conditions in the locality in which the premises are situated, and shall base his estimate on the standards established in and recommended by the Manual of the American Society of Heating and Ventilating Engineers (1942 ed.).

(c) The certification described in paragraph (b) of this section shall be required in the following cases:

(1) If fuel oil was not used during the base period for the purpose for which the application is made, or if consumption during the base period was, for any reason (other than weather conditions), not representative of normal fuel oil requirements during the heating year; or

(2) If the certifications required by § 1394.5253 cannot be obtained, or if such certifications cannot be reconciled with the amount of fuel oil claimed by the applicant to have been used during the base period for heat, or hot water, or both (as the case may be).

§ 1394.5261 *Determination of allowable ration for heat or hot water in premise other than private dwellings.*

(a) The allowable ration for heating premises other than private dwellings during the heating year shall be 66⅔% of the amount of fuel oil consumed (as adjusted for temperature variations from the norm, pursuant to § 1394.5262) in heating such premises during the base period.

(b) The allowable ration for supplying hot water to premises other than private dwellings during the heating year shall be 66⅔% of the amount of fuel oil consumed in supplying hot water to the premises during the base period, subject to such adjustment as may result from the operation of paragraph (c) of § 1394.5262.

(c) If consumption during the base period cannot be determined or is deemed not to have been established (as provided in paragraph (b) of § 1394.5254), or if such consumption is, for any reason (other than weather conditions), not representative of normal fuel oil requirements during the heating year, the allowable ration for heat, or hot water, or both, shall be 66⅔% of the normal fuel oil requirements of the premises for such purpose or purposes, as determined by the Board.

(d) If application is made for a ration for the operation of space heaters in premises other than private dwellings and if the premises heated thereby are regularly occupied by one or more children under four (4) years of age, the allowable ration for the operation of such space heaters for heating such premises shall be increased by the amount specified in paragraph (b) of § 1394.5256, for the thermal zone in which the premises are located.

§ 1394.5262 *Same; determination of adjusted fuel oil consumption during the base period.* Fuel oil consumption during the base period in heating premises other than private dwellings (and, to the extent provided in paragraph (b)

of this section, in supplying hot water to such premises) shall be determined and adjusted for the purposes of § 1394.5261, in the following manner:

(a) The total amount of fuel oil used for heating the premises during the base period shall be determined pursuant to § 1394.5254; or

(b) If fuel oil was consumed and a ration is required, both for heat and for hot water, the total amount used for both purposes shall be determined pursuant to § 1394.5254. If fuel oil was consumed both for heat and for hot water, and a ration is required for heat only, the amount used for hot water during the base period shall be deducted from the total consumed.

(c) The amount of fuel oil used during the base period for heat, or for both heat and hot water (as determined in accordance with paragraph (a) or (b) of this section) shall be multiplied by the percentage specified in Column 1 of Table I for the thermal sub-zone in which the premises are located. The product shall, for the purposes of paragraphs (a) and (b) of § 1394.5261, be deemed to be the amount of fuel oil consumed during the base period, adjusted for temperature variations from the norm.

§ 1394.5263 *Issuance of rations for heat or hot water for entire heating year.* (a) After determining the allowable ration for heat or hot water, or both, the Board shall issue Class 1 or Class 2 Coupon Sheets containing coupons representing the allowable ration less the amount of fuel oil on hand for the operation of the equipment for which the application is made. Such amount on hand shall be determined in accordance with the provisions of § 1394.5451, except as provided in paragraph (b) of this section.

(b) Where application is made prior to November 1, 1942:

(i) If the capacity of the fuel tank or tanks maintained for supplying the equipment is two hundred and fifty (250) gallons or more, the Board may assume, in the absence of satisfactory proof of actual inventory, that the amount of fuel oil on hand as of October 1, 1942, was not less than two hundred and fifty (250) gallons; or

(ii) If the capacity of such tank or tanks is less than two hundred and fifty (250) gallons, the Board may assume, in the absence of satisfactory proof of actual inventory, that the amount of fuel oil on hand as of October 1, 1942 was not less than the capacity of such tank or tanks.

§ 1394.5264 *Same; heat or both heat and hot water.* Where a ration is allowed for heat or both heat and hot water, the Board shall issue Class 1 or Class 2 coupon sheets containing coupons in the amount provided in § 1394.5263, in accordance with following provisions:

(a) All unit value coupons shall be issued on the basis of ten (10) gallons per unit;

(b) The coupons shall be divided equally, insofar as possible, among all

the valid periods described in paragraph (b) of § 1394.5201:

(c) If the gallonage for which coupons are to be issued is not a multiple of ten (10), the coupons shall be issued to the next higher multiple of ten (10).

§ 1394.5265 *Same; hot water only.* Where a ration is allowed for hot water (but not for heat) the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons in the amount provided in § 1394.5263. Such coupons shall be issued for use until the end of the heating year, except as provided in § 1394.5268.

§ 1394.5266 *Same; applications made on or after November 1, 1942; heat or both heat and hot water.* (a) If application is made on or after November 1, 1942, for a ration for heat or both heat and hot water, the allowable ration shall be determined in accordance with § 1394.5256 or § 1394.5261, whichever is applicable. One-fifth of the allowable ration shall be deemed allocable to each thermal period specified in paragraph (c) of this section. The Board shall deduct from the allowable ration:

(1) The amount allocable to any expired thermal period; and

(2) The percentage of the amount allocable to the current thermal period shown by Table II for the number of days elapsed between the beginning of such period and the date of application.

(b) The Board shall issue Class 1 or Class 2 coupon sheets containing coupons equal in gallonage value to the allowable ration (after all deductions pursuant to paragraph (a) of this section) less the amount of fuel oil on hand on the date of the application for the operation of such equipment, in accordance with the following provisions:

(1) All currently valid unit value coupons shall be issued on the basis of their current unit value and all subsequent coupons on the basis of ten (10) gallons per unit;

(2) The coupons to be issued shall be divided proportionately, insofar as possible, among all unexpired thermal periods.

(c) The thermal periods referred to in paragraphs (a) and (b) of this section shall be:

(1) In Thermal Zone A:

Thermal Period No. 1. Up to and including November 29, 1942.

Thermal Period No. 2. From November 30, 1942, to January 6, 1943, inclusive.

Thermal Period No. 3. From January 7, 1943, to February 8, 1943, inclusive.

Thermal Period No. 4. From February 9, 1943, to March 17, 1943, inclusive.

Thermal Period No. 5. From March 18, 1943, to September 30, 1943, inclusive.

(2) In Thermal Zone B:

Thermal Period No. 1. Up to and including December 2, 1942.

Thermal Period No. 2. From December 3, 1942, to January 5, 1943, inclusive.

Thermal Period No. 3. From January 6, 1943, to February 6, 1943, inclusive.

Thermal Period No. 4. From February 7, 1943, to March 12, 1943, inclusive.

Thermal Period No. 5. From March 13, 1943, to September 30, 1943, inclusive.

(3) In Thermal Zone C:

Thermal Period No. 1. Up to and including December 3, 1942.

Thermal Period No. 2. From December 4, 1942, to January 4, 1943, inclusive.

Thermal Period No. 3. From January 5, 1943, to February 2, 1943, inclusive.

Thermal Period No. 4. From February 3, 1943, to March 6, 1943, inclusive.

Thermal Period No. 5. From March 7, 1943, to September 30, 1943, inclusive.

(4) In Thermal Zone D:

Thermal Period No. 1. Up to and including December 5, 1942.

Thermal Period No. 2. From December 6, 1942, to January 2, 1943, inclusive.

Thermal Period No. 3. From January 3, 1943, to February 5, 1943, inclusive.

Thermal Period No. 4. From February 6, 1943, to March 6, 1943, inclusive.

Thermal Period No. 5. From March 7, 1943, to September 30, 1943, inclusive.

(d) Where application is made for a ration for equipment furnishing both heat and domestic hot water to a private dwelling, the apportionment and deduction required by paragraph (a) of this section shall not be applicable to the allowable ration for domestic hot water, which shall be determined solely in accordance with § 1394.5259, regardless of the date of application.

§ 1394.5267 *Same; applications made on or after November 1, 1942, for hot water only.* If application is made on or after November 1, 1942, for a ration for hot water (but not for heat) in premises other than private dwellings, the allowable ration shall be determined in the manner provided in paragraph (b) of § 1394.5261. The Board shall deduct from the allowable ration, the part thereof corresponding to the part of the heating year which has elapsed between October 1, 1942, and the date of application. The Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration (after the deduction hereinabove required) less the amount of fuel oil on hand for the operation of such equipment on the date of application.

§ 1394.5268 *Hot water rations: special cases.* (a) The owner, or the person controlling the use of, oil burning equipment designed for, and furnishing, hot water for a purpose directly related to the public health or safety, or as an integral part of a commercial, industrial, agricultural or extractive process (if such equipment is not used for furnishing heat or for furnishing hot water for any other purpose), may obtain a ration for such purpose by applying on form OPA R-1102. No such ration may be obtained for use during the period of validity of any ration issued for the operation of such equipment pursuant to an application made on Form OPA R-1100 or Form OPA R-1101. Such ration may be obtained for three (3) month periods.

(b) The allowable ration for the operation of such equipment shall, in such case, be the amount of fuel oil needed for such purpose for the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1,

1942, for the three (3) month period beginning October 1, 1942.

(c) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the operation of such equipment. Such amount shall be determined in accordance with the provisions of § 1394.5451.

§ 1394.5269 *Rations for vendors of heat and hot water.* (a) The owner, or the person controlling the use of, oil burning equipment designed for, and furnishing, heat or hot water, or both (by means of live steam, or otherwise) to a building or structure (other than the one in which such equipment is located) which is not owned or controlled by him, may obtain a ration for the operation of such equipment for such purpose during the heating year.

(b) Application for a ration for such purpose shall be made to a Board, on or after October 22, 1942, on Form OPA R-1102, by the owner or by the person controlling the use of the equipment, or by the agent of either of them. The applicant shall supply the information required by the form.

(c) The allowable ration for the heating year for such purpose shall be 66% of the amount of fuel oil consumed (as adjusted in the manner provided in paragraph (c) of § 1394.5262) for that purpose during the base period.

(d) After determining the allowable ration, the Board shall issue coupons in accordance with the provisions of § 1394.5264, or § 1394.5265, whichever is applicable.

(e) If application is made on or after November 1, 1942, for a ration for heat or both heat and hot water, the Board shall make the deductions from the allowable ration required by paragraph (a) of § 1394.5266 and shall issue coupons in accordance with the provisions of paragraph (b) of that section.

(f) If application is made on or after November 1, 1942, for a ration for hot water only, the Board shall make the deductions from the allowable ration required by, and shall issue coupons in accordance with, the provisions of § 1394.5267.

AUXILIARY RATIOS

§ 1394.5301 *Persons entitled to auxiliary rations.* (a) The owner, or the person controlling the use of, oil burning equipment designed and used for furnishing heat or hot water, or both, to all or part of any premises, who during the period of validity of a heat or hot water ration for such equipment, requires, or who has used, fuel oil for the operation thereof for one or more of the purposes specified in § 1394.5303 or § 1394.5306, and who finds that due to such requirements or use, the ration issued for furnishing heat or hot water to such premises is insufficient, may obtain an auxiliary ration: *Provided*, That no auxiliary ration may be obtained for the operation of convertible facilities.

(b) Such ration may be allowed only if the applicant has taken all possible

steps (within the limits of his financial ability) to secure maximum heating efficiency of the equipment and to eliminate loss of heat due to the condition of the premises.

§ 1394.5302 *Applications for auxiliary rations.* (a) Application for an auxiliary ration may be made to a Board, on or after November 2, 1942, on Form OPA R-1104. The applicant shall supply the information required by that form and such other information as the Board may require. He shall specify the period (not to exceed the balance of the heating year) during which such auxiliary ration is required.

(b) The applicant shall annex to his application a certification by a qualified plumber, architect or heating engineer, showing the minimum number of gallons of fuel oil (over and above the ration previously issued) needed for the purpose for which the application is made, during the period for which the auxiliary ration is required and the improvements and adjustments (if any) which have been made or which are required to secure maximum heating efficiency and minimum loss of heat.

§ 1394.5303 *Auxiliary rations for heating premises.* Auxiliary rations for heating premises may be allowed for any of the following purposes, under the conditions specified, if a higher temperature is required for such purposes than that which can be maintained in the premises by use of the heat ration previously issued:

(a) For conducting an industrial, agricultural or extractive process, or a research or experimental operation, depending upon temperature control: *Provided*, That the applicant must submit with his application a certification by a qualified expert, who is familiar with such process or operation, as to the temperature required therefor;

(b) For the performance of work essential to the war effort, if the work is of such a nature that the worker performing it can operate efficiently only at a higher temperature: *Provided*, That the applicant must submit with his application a certification by a qualified expert, who is familiar with such work, as to the minimum temperature required for the efficient performance thereof;

(c) For the care and treatment of patients in a hospital or sanatorium: *Provided*, That the applicant must submit with his application a certification by the medical director of such establishment as to the minimum temperature required for such purpose;

(d) For the care and maintenance of exhibits in an aquarium, zoological or botanical garden, art gallery, museum or similar establishment, to which the public is admitted, and which is maintained by an educational or eleemosynary institution, or by a government agency: *Provided*, That the applicant must submit with his application a certification by a qualified expert as to the temperature required for the care and maintenance of such exhibits;

(e) For the care, in premises other than those specified in paragraph (c) of this section, of a person who is ill or

infirm: *Provided*, That the applicant must submit with his application a certification by a duly licensed physician or surgeon, or by a public health nurse, as to the temperature required for the care and treatment of such person and as to the period during which such temperature is required: *Provided further*, That in the case of premises other than a private dwelling, an auxiliary ration for the purpose specified in this paragraph may be obtained only for use in a space heater;

(f) For the examination or treatment of the sick in premises (other than those specified in paragraph (c) of this section) regularly used by a duly licensed physician or surgeon: *Provided*, That the applicant must submit with his application a certification by such physician or surgeon as to the temperature required for such purpose: *Provided further*, That, in the case of a building other than a private dwelling, an auxiliary ration for the purpose specified in this subparagraph may be obtained only for use in a space heater, unless such building is used primarily for such purpose;

(g) For the care of children under 4 years of age, or of aged persons, in a building used primarily as an orphanage, school, or home for the aged: *Provided*, That the applicant must submit with his application a certification by a duly licensed physician or surgeon as to the temperature required for such establishment.

§ 1394.5304 *Same; determination of allowable auxiliary ration.* The allowable auxiliary ration for heating premises shall be the amount of additional fuel oil required for the purpose, and during the period, for which the auxiliary ration is needed. Such allowable ration shall not exceed the amount required for obtaining the necessary additional heat in the portion of the premises in which such additional heat is needed.

§ 1394.5305 *Same; issuance of auxiliary heat ration.* After determining the allowable auxiliary ration for heating premises, the Board shall issue Class 1 or Class 2 coupon sheets containing coupons equal in gallonage value to the allowable ration, subject to the following provisions:

(a) All currently valid coupons shall be issued on the basis of their current unit value and all subsequent coupons on the basis of ten (10) gallons per unit;

(b) If the period for which an auxiliary ration is allowed covers more than one of the thermal periods specified in paragraph (c) of § 1394.5266, the coupons to be issued shall be divided proportionately, insofar as possible, among all thermal periods in which the ration is to be used;

(c) If the auxiliary ration is allowed for replacing fuel oil previously used by the applicant, currently valid coupons only shall be issued.

§ 1394.5306 *Auxiliary rations for hot water.* Auxiliary rations for hot water may be allowed for any of the following purposes, under the conditions specified, if more hot water is required for such

purpose than can be obtained by use of the hot water ration previously issued:

(a) For a purpose directly related to the public health or safety, or for use as an integral part of a commercial, industrial, agricultural or extractive process: *Provided*, That the applicant must submit with his application a certification by a qualified expert, who is familiar with the hot water requirement for such purpose, showing the additional amount of hot water required therefor: *Provided further*, That no such auxiliary ration may be obtained during the period of validity of a hot water ration issued pursuant to § 1394.5268;

(b) For the care and maintenance of exhibits in an aquarium, zoological garden or similar establishment, to which the public is admitted, and which is maintained by an educational or eleemosynary institution, or by a government agency: *Provided*, That the applicant must submit with his application a certification by a qualified expert as to the additional amount of hot water required for the care and maintenance of such exhibits.

(c) For the care and treatment of a sick person in a private dwelling: *Provided*, That the applicant must submit with his application a certification by a duly licensed physician or surgeon, or by a public health nurse, as to the amount of hot water required for the care and treatment of such person and as to the period during which such hot water is required.

§ 1394.5307 *Same; determination of allowable ration.* The allowable auxiliary ration for hot water shall be the amount of additional fuel oil required for the purpose and during the period for which the auxiliary ration is allowed.

§ 1394.5308 *Same; issuance of auxiliary hot water ration.* After determining the allowable auxiliary ration for hot water, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration.

§ 1394.5309 *Unavoidable loss of fuel oil.* (a) A consumer who sustains an unavoidable loss, by theft, fire, or accident, of fuel oil acquired in accordance with the provisions of Ration Order No. 11, may apply immediately after the loss occurs, in writing, to the Board which issued a ration to such consumer pursuant to which such fuel oil was acquired, for coupons equal in gallonage value to amount of the fuel oil so lost. The applicant shall state:

(1) The time, manner and circumstances of such loss;

(2) The steps taken to prevent further loss;

(3) The number of gallons of fuel oil so lost.

(b) If the Board is satisfied that the applicant has sustained an unavoidable loss of fuel oil, by theft, fire or accident, and that the applicant has taken all possible steps (within the limits of his financial ability) to prevent such further loss, it may, in its discretion, issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the amount of

fuel oil so lost. The Board shall make the entries required by § 1394.5452 on the coupon sheet issued and shall affix a validating stamp thereto. A coupon sheet issued pursuant to this section shall be valid for a three (3) month period.

DOMESTIC COOKING AND LIGHTING RATIONS

§ 1394.5351 *Persons entitled to rations for domestic cooking and lighting.* The owner, or the person controlling the use of, oil burning equipment designed and used for domestic cooking or lighting may obtain a ration for such purpose. Such rations may be obtained for three (3) month periods, except as provided in § 1394.5355.

§ 1394.5352 *Application for ration for domestic cooking and lighting.* (a) Application for a ration for the operation of equipment used for domestic cooking or lighting may be made to a Board, on or after October 22, 1942, on Form OPA R-1103. The applicant shall supply the information required by that form.

(b) A separate application shall be made for each unit of oil burning equipment, except that if two or more units of oil burning equipment serve a single family, a single application shall be made for all such units.

(c) Application may be made by the owner of the equipment, by the person controlling the use of such equipment, or by the agent of either of them. If two or more persons are entitled to apply for a ration for the same unit of oil burning equipment, application may be made by either of such persons or by all jointly.

§ 1394.5353 *Determination of allowable ration for domestic cooking.* (a) Subject to the provisions of paragraph (b) of this section, the allowable ration for all units of cooking equipment used for domestic cooking for a single family shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942.

(b) The maximum allowable ration for domestic cooking shall be twenty (20) gallons per month, if fewer than six (6) persons are regularly served by the equipment; or twenty-four (24) gallons per month, if six (6) or seven (7) persons are regularly served. If more than seven (7) persons are regularly served, the maximum shall be increased by one (1) gallon per month for each additional person.

§ 1394.5354 *Determination of allowable ration for domestic lighting.* (a) Subject to the provisions of paragraph (b) of this section, the allowable ration for all units of lighting equipment providing domestic lighting for a single family, shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or in case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942.

(b) The maximum allowable ration for domestic lighting shall be:

(1) For the months of October to March, inclusive: Four (4) gallons per month per person for the first three (3) persons regularly using the equipment, and two (2) gallons per month for each additional person up to seven (7); if more than seven (7) persons regularly use the equipment the maximum shall be increased by one (1) gallon per month for each additional person over seven (7);

(2) For the months of April to September, inclusive: Three (3) gallons per month per person for the first three (3) persons regularly using the equipment, and one (1) gallon per month for each additional person up to seven (7); if more than seven (7) persons regularly use the equipment, the maximum shall be increased by one-half ($\frac{1}{2}$) gallon per month for each additional person over seven (7).

§ 1394.5355 *Issuance of rations for domestic cooking or lighting.* After determining the allowable ration for domestic cooking or lighting, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the operation of such equipment, determined in accordance with the provisions of § 1394.5451: *Provided*, That if the allowable ration less the amount of fuel oil on hand is less than fifty (50) gallons, the Board shall determine the allowable ration for the remainder of the heating year and shall issue coupons for that entire period.

COMMERCIAL MOTOR VEHICLES

§ 1394.5401 *Rations for commercial motor vehicles.* (a) The owner or the person controlling the use of a commercial motor vehicle (as defined in General Order No. 21 of the Office of Defense Transportation) may obtain a ration for the operation of such vehicle. Such rations may be obtained for three (3) month periods, except as provided in paragraphs (f) and (h) of this section.

(b) Application for a ration for the operation of a commercial motor vehicle shall be made to a Board, on or after October 22, 1942, on Form OPA R-1102 (or, in the case of a farm vehicle, on Form OPA R-1103) by the owner, or by the person controlling the use, of the vehicle, or by the agent of either of them. The applicant shall supply the information required by the form. A single application may be made for all commercial motor vehicles for which the applicant requires a ration.

(c) Application for a ration for the operation of a commercial motor vehicle which is subject to the jurisdiction of the Interstate Commerce Commission and which is operated both within and without the limitation area may, at the option of the applicant, be made by completing Form OPA R-1102, in the manner prescribed by paragraph (b) of this section, and by forwarding such application to the Washington Office which will issue a ration in accordance with the provisions of this section. The Washington Office will, in its discretion, designate a

special board to pass upon such applications.

(d) No ration may be obtained or used for the operation of a commercial motor vehicle after the date when the operation of such vehicle without a Certificate of War Necessity is prohibited by General Order No. 21 of the Office of Defense Transportation, unless such certificate has been issued and is outstanding for such vehicle.

(e) Except as provided in paragraph (f) of this section, the allowable ration for the operation of such vehicle shall be the number of gallons approved in the Certificate of War Necessity issued for such vehicle for the quarterly period during which the ration is to be used.

(f) In the case of an application for a ration for use prior to December 31, 1942, the allowable ration shall be the amount of fuel oil needed for the operation of such vehicle:

(1) From October 1, 1942, to December 31, 1942, inclusive, if the application is made prior to November 1, 1942; or

(2) From the date the ration is required through December 31, 1942, if the application is made on or after November 1, 1942:

Provided, That the allowable ration shall not exceed the amount used for the operation of such vehicle during the corresponding period of the preceding year, unless the applicant shows good cause for the increased requirements.

(g) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the operation of such vehicle. Such amount shall be determined in accordance with the provisions of § 1394.5451.

(h) If application is made before December 31, 1942, but after a Certificate of War Necessity has been issued for the vehicle, the applicant may obtain, on one application, both the ration for the balance of 1942 and the ration for the first quarter of 1943.

MISCELLANEOUS USES

§ 1394.5402 *Rations for miscellaneous uses.* (a) The owner, or the person controlling the use, of any oil-burning equipment used for a necessary purpose not otherwise specified in this Ration Order No. 11 (or any person requiring fuel oil for any necessary purpose other than the operation of oil-burning equipment) may obtain a ration for such purpose. Such rations may be obtained for three (3) month periods.

(b) Application for a ration for a necessary purpose not otherwise specified in this Ration Order No. 11, shall be made to a Board on or after October 22, 1942. Application shall be made:

(1) On Form OPA R-1102, if the ration is required for any commercial, industrial or governmental purpose; or

(2) On Form OPA R-1103, if the ration is required for any domestic, institutional or agricultural purpose. The applicant shall supply the information required by the form.

(c) The allowable ration shall, except as provided in paragraph (d) of this section, be the amount of fuel oil needed

for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942: *Provided*, That the allowable ration shall not exceed the amount used for such purpose during the corresponding period of the preceding year, unless the applicant shows good cause for the increased requirements.

(d) The allowable ration for non-occupational use of a boat, for the three (3) month period referred to in paragraph (c) of this section, shall not exceed the number of gallons equal to four (4) times the manufacturer's rated horsepower of the motor or motors propelling such boat, or one hundred and twenty-five (125) gallons, whichever is less.

(e) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the purpose for which the ration is required. Such amount shall be determined in accordance with the provisions of § 1394.5451.

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OR RATIOMS

§ 1394.5451 *Determination of fuel oil inventory.* Before issuing a ration, the Board shall determine the amount of fuel oil on hand for the use for which the ration is required. The date as of which such amount is to be determined shall be:

(a) October 1, 1942, in the case of an application made prior to November 1, 1942; or

(b) The date of application, in the case of an application made on or after November 1, 1942.

§ 1394.5452 *Notations on coupon sheets; validating stamp.* (a) At the time of issuing a coupon sheet, the Board shall enter thereon the name and address of the person to whom it is issued and the number and kind of coupons issued therewith. The Board shall also enter on such coupon sheet the date on which it becomes valid (or October 1, 1942, in the case of an application made prior to November 1, 1942) and the date on which it expires. Such dates shall be, respectively, the first and last day of the period for which the ration is issued.

(b) The Board shall affix a validating stamp to each coupon sheet issued and shall inscribe on such stamp the serial number of such coupon sheet. No coupon sheet and no coupons thereon shall be valid for any purpose unless it bears a validating stamp, so affixed.

§ 1394.5453 *Issuance of delivery receipts.* (a) Where an applicant requires residual oil for purposes other than the operation of equipment furnishing heat or hot water, he may request the Board to issue to him Delivery Receipts, on Form OPA R-1125, instead of coupons. The Board may, in such case, issue Delivery Receipts in lieu of coupons.

(b) At the time of issuing a Delivery Receipt, the Board shall enter on the stub attached thereto, the number and

address of the issuing Board, the name and address of the person to whom the Delivery Receipt is issued and the amount of residual oil which may be transferred in exchange therefor (which shall be equal to the value of the coupons in lieu of which such Delivery Receipt is issued). The Board shall affix a validating stamp to the Delivery Receipt stub, in the manner required by paragraph (b) of § 1394.5452, and shall enter on such stub the period of validity of the Delivery Receipt, in accordance with the provisions of paragraph (a) of § 1394.5452.

(c) The Board may issue as many Delivery Receipts as the applicant requires. When more than one Delivery Receipt is required, the Board shall fasten together and issue Delivery Receipts bearing consecutive serial numbers, placing the one bearing the lowest serial number on top. It shall make the entries required by paragraph (b) of this section on the stub of the Delivery Receipt bearing the lowest serial number and shall affix the validating stamp thereto. It shall also enter thereon the serial numbers of all Delivery Receipts so issued.

§ 1394.5454 *Acknowledgments of delivery.* (a) Acknowledgments of delivery, on Form OPA R-544 (Revised), to be used for the acquisition of fuel oil by or for the account of the Army, Navy, Marine Corps, War Shipping Administration, Coast Guard and Maritime Commission, of the United States, will be issued by the Washington office to the Washington headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any of such agencies shall be valid as an authorization of transfer of fuel oil to or for the account of such agency by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an acknowledgment form is not available, a receipt on an official letterhead of such agency, bearing such authorized signature, and supplying the information required by Form OPA R-544 (Revised), may be used in lieu of such acknowledgment form. Such form or receipt may be used as an evidence for purposes of replenishment.

(b) If any of the information required by Form OPA R-544 (Revised) is military or naval information of a secret character, such information may be omitted.

(c) A Board to which an Acknowledgment of Delivery, or a receipt on an official letterhead, executed in accordance with paragraph (a) of this section, is delivered pursuant to § 1394.5723, shall cancel such acknowledgment or receipt and forward it to the agency, or in the case of the Army or Navy, to the activity, if any, named thereon.

§ 1394.5455 *Insertion of serial numbers on coupons; signature on coupon sheet.* An applicant shall sign each coupon sheet issued to him, and shall insert on each coupon the serial number of the coupon sheet to which such coupon is attached. No coupon shall be valid until the coupon sheet to which it is attached has been signed as required, and

the serial number of such coupon sheet has been inserted on the coupon.

§ 1394.5456 *Lost or destroyed coupon sheets or delivery receipts.* (a) In the event of the loss, destruction or mutilation of any coupon sheet or delivery receipt, the person to whom such coupon sheet or delivery receipt was issued may apply to the issuing Board for replacement thereof.

(b) Such application shall be made in writing, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The date and place of issuance, and, if possible, the expiration date and the serial number of such coupon sheet or receipt;

(3) A description of the premises, vehicle, boat, equipment or process for which the coupon sheet or receipt was issued;

(4) A statement of the number and value of unused and unexpired coupons attached to the coupon sheet, or of the amount of residual oil acquired in exchange for receipts (if any) which were issued together with the receipts so lost, destroyed or mutilated;

(5) A description of the manner and circumstances of the loss, destruction or mutilation.

(c) If the Board is satisfied that such coupon sheet or delivery receipt has been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, it may, in its discretion, issue a coupon sheet of the same gallonage value (or a delivery receipt limited to the same gallonage value) as that sought to be replaced; it shall enter on any coupon sheet (or delivery receipt) issued, the expiration date that appeared on the coupon sheet (or delivery receipt) replaced.

(d) No person receiving a coupon sheet or delivery receipt under paragraph (c) of this section shall use, attempt to use, or permit the use of the original coupon sheet or receipt. A damaged or mutilated coupon sheet or receipt shall be surrendered to the Board.

§ 1394.5457 *Disposition of found coupon sheet or delivery receipts.* (a) Any person who finds a coupon sheet, coupon or other evidence, or a Delivery Receipt, shall within five (5) days surrender it to any Board.

(b) The Board to which a coupon sheet, coupon or other evidence, or delivery receipt is surrendered pursuant to paragraph (a) of this section shall forward it through the State Director to the issuing Board.

§ 1394.5458 *Exchange for currently valid coupons.* (a) A person to whom a Class 1 or Class 2 coupon sheet has been issued, who, because of transportation difficulties, must acquire fuel oil in excess of the amount obtainable by the use of his currently valid coupons, may apply, in writing, to the issuing Board for currently valid coupons in exchange for coupons of the series which will next become valid.

(b) If the Board finds that, due to transportation difficulties, it is necessary for the applicant to take delivery of fuel

oil in excess of the amount obtainable by the use of his currently valid coupons, it may, in its discretion, issue a coupon sheet containing currently valid coupons to the extent required. It shall detach from the applicant's coupon sheet, coupons not yet valid, equal in number and unit value, to the currently valid coupons issued.

(c) The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto.

§ 1394.5459 *Same; where ration insufficient for current period.* (a) A person to whom a Class 1 or Class 2 coupon sheet has been issued, who finds that his fuel oil on hand and his currently valid coupons are insufficient to meet his minimum heating requirements, may apply to the issuing Board for currently valid coupons in exchange for coupons of the series which will next become valid.

(b) Such application may be granted only if the applicant:

(1) Has maintained a temperature not in excess of sixty-five (65) degrees Fahrenheit in the premises for which the ration was issued (except for a purpose specified in § 1394.5303); and

(2) Has taken all possible steps (within the limits of his financial ability) to secure maximum heating efficiency of the oil burning equipment and to eliminate loss of heat due to the condition of the premises.

(c) Such application may be made to a Board, on or after November 16, 1942, on Form OPA R-1104. The applicant shall supply the information required by that form and such other information as the Board may require.

(d) The applicant shall submit with his application a certification by a qualified plumber, architect or heating engineer showing the improvements and adjustments (if any) which have been made, or which are required, to secure maximum heating efficiency and minimum loss of heat.

(e) If the Board finds that the applicant has satisfied the requirements of paragraph (b) of this section, it shall determine the number of gallons of additional fuel oil required for use in heating the premises until the valid date of the next series of coupons. It shall then issue a coupon sheet containing currently valid coupons, to the extent required, in accordance with the procedure set forth in paragraphs (b) and (c) of § 1394.5458.

§ 1394.5460 *Exchange of indefinite value for definite value coupons.* (a) Any consumer may exchange, at the issuing Board, currently valid unit value coupons for definite value coupons, on the basis of the current value of the unit value coupons exchanged.

(b) The Board shall issue a Class 3, 4, 5, or 6 coupon sheet containing coupons to the extent required.

(c) The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto. The Board shall enter, as the expiration date of such coupon sheet, the last date, specified in § 1394.5201, on which the unit value coupons

exchanged would be valid for the transfer of fuel oil to a consumer.

EXPIRATION AND REVOCATION OF RATIONS

§ 1394.5501 *Expiration of rations.* All rations shall expire at midnight on the date entered by the issuing Board on the coupon sheets (or on the stub of the Delivery Receipt) issued therefor.

§ 1394.5502 *Same: Cessation of use or change in ownership, control or use.* A ration shall expire:

(a) Upon cessation of use for the purpose for which it was issued; or

(b) Upon cessation of use of the oil burning equipment for which it was issued, by the person to whom it was issued; or

(c) Upon change in ownership of, or control over, such equipment: *Provided*, That a ration issued to any person for the operation of oil burning equipment furnishing heat, or hot water, or both, to any premises, shall not expire upon a change in ownership of such premises, if there is no change in the occupancy thereof and if such person retains control over such equipment.

§ 1394.5503 *Surrender of expired coupon sheets and delivery receipts.* (a) No ration may be used and no coupon sheet or delivery receipt shall be valid, after the expiration thereof, for the transfer of fuel oil to a consumer.

(b) Within five (5) days after the expiration of any ration, the person to whom it was issued shall, except as provided in paragraph (e) of this section, surrender to the issuing Board all coupon sheets (and all delivery receipts and stubs) representing such ration.

(c) Within five (5) days after all coupons on a coupon sheet have been detached, the person to whom such coupon sheet was issued shall surrender it to the issuing Board.

(d) Within five (5) days after all delivery receipts issued to any person have been used, such person shall surrender to the issuing Board the stubs from which they were detached.

(e) In the following cases, a coupon sheet issued as a ration for heat, or hot water, or both, in private dwellings shall, upon expiration of the ration, be surrendered in the manner provided:

(1) Where a ration issued to a person other than the owner of the premises has expired by reason of the cessation of use of such equipment by such person or by reason of a change in control over such equipment, such person shall, immediately after such cessation of use or change in control, surrender the coupon sheet to the owner of the premises; the owner shall demand the coupon sheet from such person.

(2) Where a ration issued to the owner of the premises has expired by reason of a change in ownership, he shall, at the time of such change in ownership, surrender the coupon sheet to the new owner; the new owner shall demand such coupon sheet from such former owner.

(f) Both the person who surrenders a coupon sheet pursuant to paragraph (e) of this section and the person to whom it is surrendered, shall execute the

certificate of surrender appearing on the coupon sheet. Upon the request of the person surrendering such coupon sheet, a duplicate of the certificate of surrender shall be prepared and furnished to him. Within five (5) days after such surrender of a coupon sheet, the person to whom it was surrendered shall forward it, together with the certificate of surrender, to the issuing Board.

(g) If a person is unable to surrender a coupon sheet as required in paragraph (e) of this section, he shall surrender it to the issuing Board within five (5) days after such expiration. If the person required by paragraph (e) of this section to demand a coupon sheet is unable to obtain it from the person required to surrender it, he shall immediately notify the issuing Board.

§ 1394.5504 *Application for reissuance of expired rations.* (a) If a ration has expired by reason of a change in ownership of, or control over, oil burning equipment furnishing heat, or hot water, or both, to any premises, but such change in ownership or control involves no change in the occupancy of such premises, the person acquiring ownership or control (or his agent) may apply to the issuing Board for reissuance of such ration. Such person may not obtain a ration (other than an auxiliary ration) for the operation of such equipment during the balance of the period of which such expired ration was issued, except in the manner provided in this section.

(b) An application pursuant to paragraph (a) of this section shall be made in writing and shall set forth:

(1) The name and address of the applicant;

(2) The address of the premises served by such equipment;

(3) The date on which the applicant acquired ownership of, or control over, such equipment;

(4) The name of the person from whom he acquired such ownership or control;

(5) A certification that such change of ownership or control did not involve a change in the occupancy of the premises; and

(6) A request for reissuance of the expired ration to him.

§ 1394.5505 *Reissuance of expired rations.* (a) Upon application for reissuance of a ration pursuant to § 1394.5504, the Board shall issue to the applicant coupon sheets containing the same number and kind of coupons as were contained on the expired coupon sheets.

(b) After such reissuance, the applicant may use any fuel oil in the fuel supply tank of such equipment, or in a storage tank or other container maintained for supplying such equipment, without any further surrender of coupons.

§ 1394.5506 *Issuance of new rations.* Except as otherwise provided in this Ration Order No. 11, a transferee of any oil burning equipment shall be required to make a new application for a ration therefor, on his own behalf, in accordance with the provisions of § 1394.5551:

Provided, That such transferee may not obtain a ration unless a bona fide transfer is involved.

§ 1394.5507 *Suspension and revocation of rations.* (a) All coupon sheets, coupons, acknowledgments of delivery, inventory coupons, exchange certificates, export certificates, and delivery receipts shall be and remain when issued the property of the Office of Price Administration. Such Office may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon sheet, coupon, acknowledgment of delivery, inventory coupons, exchange certificate, export certificate, or delivery receipt during suspension or pursuant to cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a ration has been issued has been found by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration will revoke such ration, or such part thereof.

(c) Upon recommendation of the Office of Petroleum Coordinator of War, approved by the Director General for Operations, that fuel oil be denied to a person who owns, or controls the use of, convertible facilities used for purposes other than furnishing heat or hot water to any building or structure, the Office of Price Administration will revoke any ration issued to such person for such use.

(d) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupon sheets or delivery receipts issued therefore be surrendered. The Board may, in its discretion, issue such ration as it find him entitled to receive, pursuant to the provisions of Ration Order No. 11, in place of the ration revoked.

§ 1394.5508 *Authority of regional administrators, state directors and district managers to suspend and revoke rations and require the surrender of coupon sheets and coupons.* (a) The several Regional Administrators of the Office of Price Administration within their respective Regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, coupon sheet, Delivery Receipt, inventory coupon, or other coupon (whether or not issued) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon sheet, delivery receipt, or coupon in any case in which the Regional Administrator, State Director or District Manager, as the case may be, finds either:

- (1) That a ration holder was not entitled to receive the ration issued; or
- (2) That a person has transferred, assigned, received or accepted, or has in his possession any coupon sheet, coupon

or delivery receipt (whether or not such coupon sheet or Delivery Receipt was issued as a ration and whether or not such coupon was issued as a ration or as part of a coupon sheet) otherwise than in accordance with the provisions of Ration Order No. 11.

(b) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such an appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(1) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than five (5) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(2) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(3) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(4) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any person against whom an order is issued pursuant to the provisions of this section on the ground that the ration holder to whom a ration was issued was not entitled to such ration on the basis of the facts appearing in his application may appeal to the Regional Administrator from an order of a District Manager or from an order of a State Director, and to the Deputy Administrator in Charge of Rationing from an order or decision on appeal of the Regional Administrator. In making any such appeal, the appealing party shall file with the official who issued the order appealed from a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appealing party to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and rec-

ord, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appealing party, in writing, of his decision.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

RENEWAL OF RATIOS AND ISSUANCE OF FURTHER RATIOS

§ 1394.5551 *Renewal of rations.* (a) At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made.

(b) An application for a further ration, for use upon or after expiration of the current ration, shall be made and passed upon in the same manner as an original application.

(c) Except as provided in § 1394.5552, no further ration may be issued for use, or used, prior to the expiration of the current ration.

§ 1394.5552 *Further rations for use prior to expiration date of current rations.* (a) A further ration may be obtained for use prior to the original expiration date of the current ration:

(1) Where the current ration has expired pursuant to § 1394.5502; or

(2) Where a current ration for domestic cooking or lighting issued pursuant to § 1394.5355 is insufficient due to an increase in the number of persons served by or using the equipment for which such ration was issued; or

(3) Where, due to a change in circumstances or miscalculation of needs, a current ration issued pursuant to §§ 1394.5268, 1394.5401 or 1394.5402, fails to meet the applicant's requirements.

(b) Application for such further ration shall be made in the same manner as an application for an original ration. The applicant shall annex to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application; and

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board finds that, for one of the reasons specified in paragraph (a) of this section, the current ration is insufficient to meet the applicant's requirements, it may grant a further ration for use prior to the expiration date of the current ration.

(d) All of the provisions of Ration Order No. 11 applicable to the determination and issuance of an original ration shall apply to the determination and issuance of a further ration pursuant to this section, except as provided in paragraph (e) of this section.

(e) No further ration shall be granted under this section which would permit the applicant to obtain fuel oil in excess of the maximum gallonage to which he would be entitled for any three (3) month period under §§ 1394.5353, 1394.5354 or paragraph (d) of § 1394.5402.

(f) When granting a further ration for use prior to the original expiration date of an unexpired current ration, the Board shall redetermine the expiration date of such current ration. Such redetermination shall be based on the Board's estimate of the date on which such current ration will be exhausted. The Board shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon sheet (or on the stub of the delivery receipt) issued therefor. The redetermined date shall be deemed to be the expiration date of such current ration for all the purposes of Ration Order No. 11. The further ration shall then become valid on the day following such redetermined expiration date.

RESTRICTIONS ON USE OF RATIOMS AND FUEL OIL

§ 1394.5601 *Restrictions as to purpose.* No person shall use a ration, or permit the use of a ration issued to him, for any purpose other than that for which it was issued.

§ 1394.5602 *Rations not transferable.* No ration shall be transferred or assigned and no person shall accept such transfer or assignment. A ration may, however, be used by any person entitled to the use of the equipment for which it was issued, if such use is for the purpose for which the ration was issued and if there has been no change in the ownership of or control over such equipment.

§ 1394.5603 *Restrictions on consumption of fuel oil.* On or after November 1, 1942, except as provided in §§ 1394.5602, 1394.5658, and paragraph (b) of § 1394.5505, no person shall consume fuel oil unless such fuel oil was acquired by him or on his behalf in exchange for valid coupons or other evidences, or delivery receipts: *Provided*, That fuel oil included in a consumer's inventory pursuant to § 1394.5451, with respect to which a deduction has been made, or with respect to which coupons or other evidences, or delivery receipts, have been surrendered to a Board pursuant to paragraph (b) (2) of § 1394.5659, shall be deemed to have been acquired in exchange therefor.

§ 1394.5604 *Redemption of coupon notes.* (a) Any person may transfer coupons or other evidences, or delivery receipts, acquired by him in accordance with the provisions of Ration Order No. 11:

(1) To the lawful holder of a coupon note issued by him pursuant to Limitation Order L-56, as amended, for the purposes of redeeming such note; or

(2) To a person to whom he was required to issue such a note.

(b) Within fifteen (15) days after the effective date of this Ration Order No. 11, every person who executed a coupon note pursuant to Limitation Order L-56, as amended (or who was required to execute such a note by the provisions of that Order), shall surrender to the person to whom the note was given (or was required to be given) coupons or other evidences, or delivery receipts, acquired by such person in accordance with the provisions of Ration Order No. 11, equal in gallonage value to the number of gallons for which such notes were executed (or required).

RESTRICTIONS ON TRANSFERS TO AND BY CONSUMERS

§ 1394.5651 *Restrictions on transfers to consumers.* Except as provided in § 1394.5664, on and after November 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer and no consumer shall accept a transfer of fuel oil from any person other than a dealer or supplier.

§ 1394.5652 *Transfers to consumers.* (a) On and after November 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no dealer or supplier shall transfer fuel oil from within or without the limitation area to a consumer within the limitation area, or from within the limitation area to a consumer without the limitation area, and no consumer shall accept such transfer except in exchange for valid coupons or other evidences, or delivery receipts, authorized by this Ration Order No. 11.

(b) No consumer who is a primary supplier shall accept a transfer of fuel oil for his own use in excess of the amount for which a ration has been issued to him.

§ 1394.5653 *Transfers to consumers in exchange for coupons.* Fuel oil may be transferred to consumers (and consumers may accept such transfers) in exchange for coupons attached to Class 1, 2, 3, 4, 5 and 6 coupon sheets under the following conditions:

(a) Transfer may be made only to the person named on the coupon sheet, or to his agent.

(b) The transferor must require presentation of the coupon sheet at the time of the transfer and must, at such time, detach therefrom coupons equal in gallonage value to the amount of fuel oil transferred, except that if the transfer is made in the absence of the transferee or his agent, the transferee shall, within twenty-four (24) hours after such transfer, forward the coupon sheet to the transferor and the transferor shall detach therefrom coupons equal in gallonage value to the amount of fuel oil transferred. After detaching such coupons, the transferor shall return the coupon sheet to the transferee.

(c) Transfer may be made only during the period of validity noted on the coupon sheet (or in the case of Class 1 and Class 2 coupon sheets, only during the valid period of the coupon in exchange for

which the transfer is to be made) and only in exchange for coupons valid in the thermal zone in which the transfer is made.

(d) At the time of detaching coupons from a coupon sheet, the transferor (or his agent) shall sign a certification on such coupon sheet, showing the name and address of the transferor, the date of the transfer, the amount of fuel oil transferred and the number and kind of coupons detached by the transferor.

(e) No transfer of fuel oil may be made in exchange for a coupon if:

(1) Such coupon was detached from the coupon sheet prior to the transfer; or

(2) Such coupon does not bear a serial number (inscribed pursuant to § 1394.5455) corresponding to the serial number of the coupon sheet to which it is attached; or

(3) The coupon sheet to which such coupon is attached does not bear a validating stamp affixed by a Board pursuant to paragraph (b) of § 1394.5452.

§ 1394.5654 *Deposit of coupon sheets.*

(a) A consumer may, at his option, deposit his coupon sheet with the dealer or supplier from whom he intends to acquire fuel oil. Transfer against a coupon sheet so deposited may be made only in accordance with the provisions of § 1394.5653.

(b) Within forty-eight (48) hours after the expiration of a coupon sheet so deposited (or within forty-eight (48) hours after all coupons on such sheet have been detached in accordance with the provisions of § 1394.5653), the dealer or supplier with whom it was deposited shall return such coupon sheet to the consumer who deposited it with him. Within forty-eight (48) hours after the return of such coupon sheet, such consumer shall inspect the record of deliveries appearing thereon and shall certify that he has made such an inspection by writing across the face of such coupon sheet the date of inspection and his name. He shall thereupon surrender the coupon sheet to the issuing Board. If the record of deliveries contains any inaccurate statement with respect to the date or amount of any delivery, or if the gallonage value of the coupons detached from such coupon sheet does not correspond to the total amount of fuel oil transferred to him in exchange for such coupons, the consumer shall, when surrendering such coupon sheet, report such fact in writing to the issuing Board.

(c) A dealer or supplier shall return a coupon sheet deposited with him, within forty-eight (48) hours after a request for such return made by the consumer who deposited it.

§ 1394.5655 *Transfers to consumers in exchange for acknowledgments of delivery and delivery receipts.* (a) Transfer may be made to or for the account of any agency specified in paragraph (a) of § 1394.5454, in exchange for an acknowledgment of delivery, on Form OPA R-544 (Revised), bearing the signature of an authorized officer, agent, or employee of such agency, or in exchange for a receipt issued in lieu of such acknowledgment in accordance with the

provisions of paragraph (a) of § 1394.5454.

(b) Transfer (of residual oil only) may be made to a consumer (and a consumer may accept such transfer) in exchange for a delivery receipt (Form OPA R-1125) under the following conditions:

(1) Transfer may be made only if the stub to which such delivery receipt is attached (or a stub with a lower serial number attached thereto) bears a validating stamp affixed by a Board pursuant to § 1394.5453.

(2) Transfer may be made only to the person (or the agent of the person) named on, and only during the period of validity entered by the Board on, the delivery receipt stub bearing the validating stamp.

(3) Transfer may be made only if the serial number of the delivery receipt corresponds to the serial number of the stub to which it is attached.

(4) Transfer may be made of an amount of fuel oil not in excess of the balance authorized to be delivered, as shown on the delivery receipt stub attached to the receipt against which transfer is being made.

(5) At the time of transfer, both the transferee and the transferor shall sign the delivery receipt, after entering thereon the date of the transfer and the amount of residual oil transferred. The transferor shall then enter such date and amount on the delivery receipt stub; he shall thereupon deduct the amount of the transfer from the balance shown on such stub and shall enter the new balance both on that stub and on the stub attached to the delivery receipt (if any) bearing the next higher serial number. Both the transferor and the transferee shall then certify as to the accuracy of the entries made by signing the stub. The receipt shall then be detached by the transferor and the stub retained by the transferee. Where delivery of residual oil is made in the absence of the transferee or his agent, the transferee shall, within twenty-four (24) hours after such transfer, execute a delivery receipt in the manner required above and forward it to the transferor with its stub and all prior stubs (if any) attached, for the certification and entries hereinabove required; the transferor shall make such entries, detach the receipt and return the stub to the transferee.

§ 1394.5656 *Records to be kept by dealers and suppliers.* Every dealer and supplier shall keep a record of each transfer to a consumer of a quantity of fuel oil in excess of ten (10) gallons. Such record shall show the name and address of the transferee, the date of the transfer, the amount (and, in the case of residual oil, the grade) of fuel oil transferred and the number and serial numbers of coupons (or delivery receipts) detached. Such records shall be preserved for at least one year. No such record need be kept of a bona fide separate transfer of ten (10) gallons or less in exchange for coupons on a Class 3 or 4 coupon sheet.

§ 1394.5657 *Transfers for export.* (a) Any person (other than a primary supplier) who desires to obtain fuel oil for

export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an export certificate on Form OPA R-560 (Revised), in duplicate, to any Board. Such certificate shall state the amount of fuel oil required for export, the proposed date and port of exportation and the name and address of the person desiring to export the fuel oil. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of fuel oil stated thereon: *Provided*, That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer of fuel oil to such government or agency, for the purpose of export or for the purpose of retransfer by such government or agency for export. If any of the information required by Form OPA R-560 (Revised) is military or naval information of a secret character, it may be omitted.

(b) Within thirty (30) days after submission to, and endorsement of, an export certificate by a Board, the person who procured such endorsement and acquired fuel oil pursuant to such certificate shall submit to the Board which endorsed the certificate, a copy of a shipper's export declaration (Commerce Form 7525) bearing a notation of an authorized customs official to the effect that to the best of his knowledge and belief the amount of fuel oil therein stated has been exported by such person. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration or in the event that none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Washington Office for investigation.

(c) Any dealer or secondary supplier who has, after September 30, 1942, exported fuel oil to an insular or territorial possession of the United States or to a foreign country, and who has not acquired such fuel oil pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of fuel oil so exported by executing and presenting to a Board Part B of an export certificate on Form OPA R-560 (Revised) and submitting therewith a copy of a shipper's export declaration (Commerce Form 7525) bearing the notation of an authorized customs official to the effect that to the best of his knowledge and belief the amount of fuel oil thereon stated was so exported by such dealer or secondary supplier. The Board, if it is satisfied that fuel oil in the amount stated in such certificate was exported by such dealer or supplier, shall endorse such certificate and return it to him and shall retain a copy of the declaration for its files. Such certificate, bearing the endorsement of a Board, shall constitute an evidence to authorize

a transfer of the amount of fuel oil stated thereon.

(d) No person acquiring fuel oil pursuant to the provisions of paragraph (a) of this section may use such fuel oil for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of fuel oil other than in accordance with the laws of the United States and the rules and regulations of the Board of Economic Warfare or of any other department or agency of the United States.

(f) Any person who has exported fuel oil which he acquired in exchange for a coupon note pursuant to Limitation Order L-56, as amended, of the War Production Board, may obtain coupons for redemption of such note by applying to a Board in accordance with the procedure set forth in paragraph (c) of this section and stating the purpose of his application.

§ 1394.5658 *Transfer of vehicle, boat or equipment.* Nothing in Ration Order No. 11 shall be deemed to forbid the transfer of fuel oil actually in the fuel supply tank of a vehicle or boat, or of equipment used for purposes other than furnishing heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee, in such vehicle, boat or equipment, of fuel oil actually in the fuel supply tank thereof at the time of transfer.

§ 1394.5659 *Transfers without exchange of coupons.* (a) Subject to the provisions of paragraph (b) of this section, nothing in Ration Order No. 11 shall be deemed to forbid:

(1) Transfers of fuel oil by legal process or by operation of law; or

(2) Transfers of fuel oil in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, or in the fuel supply tank of equipment furnishing heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such enterprise, establishment or equipment.

(b) Any person to whom a transfer of the character described in paragraph (a) of this section is made, shall forthwith report such transfer and the amount of fuel oil transferred in connection therewith, to the Board having jurisdiction over the area in which such fuel oil is located. Such person, if a dealer or supplier, shall surrender to the Board, together with such report, coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil transferred. Such person, if not a dealer or supplier, may either:

(1) Transfer all or any part of such fuel oil in exchange for coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred, and shall immediately surrender such coupons or other evidences, or delivery receipts, to the Board for cancellation; or

(2) Consume such fuel oil to the extent of any ration issued to him, for the purpose for which such ration was is-

sued: *Provided*, That he shall, in such case, surrender to the Board for cancellation, coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil consumed or to be consumed: *And provided further*, That if, at the time of transfer, no ration had been issued to such transferee, he need not surrender such coupons, evidences, or receipts to the Board but shall, before consuming such fuel oil, apply for a ration and, in such application, report to the Board as fuel oil on hand, the fuel oil so acquired.

§ 1394.5660 *Upstream transfers by consumers.* (a) Subject to the provisions of paragraph (b) of this section, nothing in Ration Order No. 11 shall be deemed to forbid transfers of fuel oil by consumers to dealers or suppliers. Any consumer who makes such a transfer shall forthwith report to the Board having jurisdiction over the area in which such fuel oil is located, the date of such transfer, the name and address of the transferor and transferee, and the amount of fuel oil so transferred.

(b) A dealer or supplier to whom a transfer of the character described in paragraph (a) of this section is made, shall forthwith report to such Board the date of such transfer, the name and address of the transferor and transferee, and the amount of fuel oil so transferred. He shall surrender to such Board, together with such report, coupons or other evidences, or Delivery Receipts, equal in gallonage value to the amount of fuel oil transferred.

§ 1394.5661 *Discrimination in transfers to consumers.* On and after November 1, 1942, no dealer or supplier shall discriminate, in the transfer of fuel oil, among consumers entitled to acquire fuel oil under this Ration Order No. 11.

§ 1394.5662 *Rights of parties to contracts for transfer of fuel oil.* If the performance of any contract or agreement for the transfer of fuel oil is prevented by Ration Order No. 11, no party thereto shall be liable for failure to perform such contract or agreement, except that any person who has received or has had the benefit of any deposit or other consideration on account of such contract shall be liable upon demand to return such deposit or other consideration, or to pay the fair value thereof, in the event that the consideration has been materially altered in condition or cannot be returned.

§ 1394.5663 *Transfers of fuel oil from the limitation area to persons outside the limitation area.* (a) Except as provided in paragraphs (b) and (c) of this section, on and after November 1, 1942, notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person shall transfer or offer to transfer fuel oil from within the limitation area to any point in the continental United States without the limitation area, and no person shall accept such transfer.

(b) A dealer or supplier may transfer fuel oil from within the limitation area to a consumer without the limitation

area, in exchange for coupons or other evidences, or Delivery Receipts.

(c) A primary supplier who has obtained written authorization from the Washington Office may transfer fuel oil from within the limitation area to a person other than a consumer without the limitation area. Application for such authorization shall be made in writing to the Washington Office. Such application shall set forth:

(1) Type and amount of fuel oil to be transferred;

(2) Name and address of the transferor and of the transferee;

(3) Tank car mileage of shipment to be made;

(4) Tank car mileage between point to which fuel oil is to be shipped and the source of fuel oil supply, outside the limitation area, nearest to that point.

The Washington Office may, in its discretion, issue the authorization requested.

§ 1394.5664 *Transfers by Army or Navy.* (a) The Army or Navy of the United States may transfer fuel oil acquired pursuant to § 1394.5655, in exchange for coupons or delivery receipts equal in gallonage value to the amount of fuel oil transferred: *Provided*, That such transfers may not be made to consumers who can obtain fuel oil from dealers or suppliers without unreasonable difficulty.

The Army and Navy shall forward to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., on or before the 25th day of each month, a statement showing the amount of fuel oil so transferred during the preceding calendar month, and shall submit coupons or delivery receipts, or an exchange certificate representing such coupons or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred.

(b) A transfer of fuel oil made pursuant to paragraph (a) of this section shall not constitute the Army or Navy a dealer or supplier with respect to the establishment from which the transfer is made.

REPLENISHMENT AND AUDIT REGISTRATION

§ 1394.5701 *Registration of suppliers and dealers.* (a) Every primary supplier shall, on October 27 or 28, 1942, register with a Board (on Form OPA R-1116, in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required by such form:

(1) His name, firm name and business address.

(2) His total fuel oil storage capacity and his total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942.

(3) The location of, and the storage capacity and inventory on hand at, each establishment included in the registration, or, if he does not maintain stationary storage facilities, the number of mobile and portable units included in the registration, the capacity of each unit and the vehicle license number of each mobile delivery unit. If more than one establishment or mobile unit is included in the registration, the registrant shall attach a schedule or schedules to Form

OPA R-1116, supplying the information required with respect to each such establishment or mobile unit.

(4) A statement as to whether he:

(i) Refines fuel oil within the limitation area; or

(ii) Makes a first transfer of fuel oil within the limitation area from stationary storage facilities within the limitation area; or

(iii) Maintains a consumer establishment within the limitation area at which delivery of fuel oil is taken for his own use by pipe-line, barge, tank ship, or railroad tank car, directly from without the limitation area; or

(iv) Sends or brings fuel oil into the limitation area (although he does not operate stationary storage facilities within the limitation area) and transfers it to anyone other than a primary supplier as defined in subdivisions (i), (ii), and (iii) of paragraph (a) (22) of § 1394.5001.

A single registration may be made by such primary supplier for all the establishments and mobile facilities with respect to which he is a primary supplier, and may be made at any Board within the limitation area. A primary supplier who maintains more than one accounting and financial office may, at his option, make a separate registration with respect to each such office, and shall include in such registration all establishments which report to such office.

(b) Every dealer and secondary supplier transacting business within the limitation area shall, on October 27 or 28, 1942, register with a Board (on Form OPA R-1116, in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total fuel oil storage capacity.

(3) His total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942.

Separate registration shall be made by each such dealer and secondary supplier for each place of business within the limitation area where fuel oil is transferred by him, and shall be made at each respective Board having jurisdiction over the area in which such place of business is located: *Provided*, That if such dealer or secondary supplier has no stationary storage facilities, he shall register for all his mobile delivery facilities, with the Board having jurisdiction over the area in which he has his main office: *Provided, further*, That any person, any part of whose operations with respect to a given establishment falls within the definition of a primary supplier, shall register as a primary supplier with respect to such establishment, pursuant to paragraph (a) of this section.

§ 1394.5702 *What constitutes fuel oil on hand.* The registrant shall register all fuel oil on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, mobile containers, or other containers (but not fuel oil in the fuel supply tank of oil burning equipment). The registrant shall not

register fuel oil in transit which did not arrive at his place of business prior to 12:01 a. m. on October 1, 1942. Fuel oil shipped prior to 12:01 a. m. on October 1, 1942, but received by the transferee after 12:01 a. m. on such day, shall be included in the inventory of the transferor and shall be deemed to have been transferred after 12:01 a. m. on October 1, 1942.

§ 1394.5703 *What constitutes storage capacity.* The registrant shall register the total capacity of all stationary fuel oil storage facilities in use as of 12:01 a. m. on October 1, 1942, but not the capacity of tank trucks, tank wagons, drums, or other mobile containers, except that a dealer or supplier who maintains no stationary fuel oil storage facilities shall register the total capacity of all his mobile or portable facilities.

§ 1394.5704 *Issuance of registration certificates.* Upon determining that the information submitted by the registrant on Form OPA R-1116 is accurate, the Board shall by authorized signature grant application for registration. In the case of a dealer or secondary supplier, the Board shall file the duplicate and return the original to the registrant. In the case of a primary supplier, the Board shall at once mail the original and duplicate to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. The Control and Audit Unit shall assign a registration number to the registrant and return the original to him and the duplicate to the issuing Board. Every registrant shall retain the original as a certificate of registration at the establishment or office with respect to which registration was made, and shall present it at any time that it is requested by a Board or by any authorized representative of the Office of Price Administration.

§ 1394.5705 *Issuance of inventory coupons.* (a) The Board shall, at the time of granting the application for registration of a dealer or secondary supplier, issue to the registrant inventory coupons in the amount of the difference between the total registered fuel oil storage capacity and the total amount of fuel oil on hand at the establishment or in the facilities registered.

(b) A one-hundred-gallon inventory coupon, or a Class 1 or Class 2 coupon, may, at any time subsequent to registration, be exchanged by a dealer or secondary supplier, at any Board within the limitation area, for an equivalent amount of one-gallon inventory coupons.

§ 1394.5706 *Restriction on use of inventory coupons.* Every dealer and secondary supplier shall retain all inventory coupons issued to him at the place of business with respect to which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the value of consumer coupons or other evidence, available for exchange: *Provided, however,* That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any delivery and the nearest composable sum

of the values of consumer coupons or other evidences.

RESTRICTIONS ON TRANSFERS TO DEALERS AND SUPPLIERS

§ 1394.5707 *Restriction on transfers.* Except as provided in § 1394.5708, on and after November 1, 1942, no primary supplier within or without the limitation area, and no dealer or supplier within the limitation area, shall transfer or offer to transfer fuel oil to any dealer or supplier within the limitation area, and no dealer or supplier within the limitation area shall accept such transfer, except in exchange (made at the time of the actual transfer of fuel oil or in advance thereof) for valid coupons bearing an inscribed serial number, or for other evidences, equal in gallonage value to the amount of the fuel oil transferred, or (where transfer is regularly made on a temperature adjustment basis) equal in gallonage value to the adjusted amount of fuel oil transferred. No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area to a primary supplier within the limitation area, or a transfer from one primary supplier to another primary supplier.

§ 1394.5708 *Absentee deliveries.* Where a dealer or supplier elects to transfer fuel oil to another dealer or supplier in the absence of the transferee or his agent, or where delivery is made by common or contract carrier or by pipe line, the transferee shall, where the exact amount to be transferred is known, mail or deliver to his transferor, in advance of the transfer, coupons or other evidences of an equal gallonage value, or he may, at the option of the transferor, forward to such transferor, within five (5) days after the transfer, coupons or other evidences equal in gallonage value to the number of gallons transferred.

§ 1394.5709 *Upstream transfers.* Any primary supplier who receives a transfer or return of fuel oil from a dealer or secondary supplier who is within the limitation area, or any secondary supplier who receives a transfer or return of fuel oil from a dealer who is within the limitation area, when the transfer or return is other than in connection with a transfer of the place of business or mobile facilities of such dealer or supplier, shall deliver to the dealer or supplier making the transfer or return, coupons or other evidences equal in gallonage value to the amount of fuel oil so transferred or returned.

§ 1394.5710 *Regulation of other agencies.* Nothing in Ration Order No. 11 shall be construed to authorize any transfer of fuel oil which would be in contravention of any regulation or order of any department or agency of the United States.

USE OF COUPONS AND OTHER EVIDENCES

§ 1394.5721 *Preservation of coupons; coupon sheets.* Each dealer and supplier shall affix the coupons received by him directly from consumers to a coupon sheet (Form OPA R-120), in the manner

directed thereon. Separate coupon sheets shall be maintained for coupons of each type, and only coupons of the same class, gallonage value, and from the same thermal zone, may be attached to any one such sheet.

§ 1394.5722 *Summary of coupons, other evidences, and delivery receipts.* Each dealer and supplier shall, prior to every delivery by him, to his transferor or to a Board, of coupons or other evidences, prepare, in duplicate, on Form OPA R-1117, a summary of coupons, other evidences, and delivery receipts in the manner directed thereon, certifying the number of each type of coupon and other evidence and the number of delivery receipts to be delivered. A separate summary shall be prepared for coupons and other evidences, and delivery receipts, from each thermal zone. No delivery receipt shall be delivered by a dealer or supplier to any person, except to a Board pursuant to paragraph (b) of § 1394.5723. The original of the summary shall be delivered by the dealer or supplier attached to his coupons, or other evidences, and delivery receipts. The copy shall be retained by him at his place of business for a period of not less than one year. All such summaries received by a transferor in connection with a transfer of fuel oil shall be recapitulated in his own summary; such summaries need not be included with coupons and other evidences forwarded by him, but his own summary shall equal the total gallonage represented by all coupons and other evidences forwarded by him.

§ 1394.5723 *Exchange of coupons or acknowledgments.* (a) A supplier may at any time deliver to any Board in the limitation area coupons or other evidences, including exchange certificates, and obtain in return an exchange certificate or certificates (on Form OPA R-1118) equal to the gallonage value of the coupons or other evidences delivered. Such supplier shall attach to such coupons or other evidences the summary required by § 1394.5722. The Board shall furnish him in return an exchange certificate equal in gallonage value to the value of the coupons or other evidences delivered. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the supplier and by an authorized agent or member of the Board. The duplicate of such certificate shall be retained for the files of the Board.

(b) A dealer or supplier who has transferred fuel oil to consumers in exchange for delivery receipts (Form OPA R-1125) shall submit such receipts to any Board within the limitation area, attached to a summary as required by § 1394.5722. The Board shall issue to him, in exchange for such receipt, an exchange certificate equal in gallonage value to the amount shown on the receipt. No delivery receipt may be used as an evidence for purposes of replenishment.

§ 1394.5724 *Certification of shortage.* Dealers and secondary suppliers may ap-

ply by certification (Form OPA R-549, Revised) for compensation for unavoidable losses or destruction of fuel oil or coupons, other evidences, or delivery receipts. Application for compensation for losses occurring as the result of normal operations, such as, but not limited to, evaporation and storage tank seam-sweat, may be made only once every three months. Application for compensation for extraordinary losses, such as, but not limited to, any unavoidable loss or destruction of coupons, other evidences, or delivery receipts, or unavoidable losses of fuel oil by theft, fire, or accident, may be made immediately after the loss occurs. The certification of shortage shall be submitted to the Board having jurisdiction over the area in which such dealer or secondary supplier has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of the reasons therefor. If, on consideration of the certification presented and of such other information as it may require, the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of acts performed in violation of Ration Order No. 11, and that the claimed shortage of fuel oil is reasonable, the Board shall file the certification and issue to the applicant inventory coupons equal to the amount of the established shortage.

RECORDS, AUDITS AND INSPECTIONS

§ 1394.5731 *Reports by primary suppliers.* (a) On or before the twenty-fifth day of each month, commencing with the twenty-fifth day of November 1942, every primary supplier shall forward to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., a report, on Form OPA R-1119, showing, in addition to all other information required by the form, the matters set forth below, and every primary supplier shall forward, together with such statement, exchange certificates as required below:

(1) If the primary supplier is in the category described in subdivision (i) or (ii) of paragraph (a) (22) of § 1394.5001, he shall show the total amount of fuel oil transferred by him within (and to consumers without) the limitation area, during the preceding calendar month and shall submit coupons or evidences equal in gallonage value to the amount of such transfers less the amount transferred to primary suppliers.

(2) If the primary supplier is in the category described in subdivision (iii) of paragraph (a) (22) of § 1394.5001, he shall show (and shall submit exchange certificates equal in value to) the total amount of fuel oil transferred to him during the preceding calendar month; and he shall show also the total amount of fuel oil consumed by him during the preceding calendar month.

(3) If the primary supplier is in the category described in subdivision (iv) of paragraph (a) (22) of § 1394.5001, he shall show and shall submit exchange certificates equal in gallonage value to the amount of fuel oil brought or sent

into the limitation area and transferred to persons other than primary suppliers during the preceding calendar month.

(b) A separate report shall be made with respect to each registration certificate issued to such primary supplier, and such report shall cover all places of business included in the registration certificate.

§ 1394.5732 *Records to be kept by certain dealers and suppliers.* Every person, whether within or without the limitation area, who makes a transfer of fuel oil to any dealer or supplier within the limitation area shall furnish to such dealer or supplier an invoice, delivery ticket, or other customary document of transfer, showing the name and address of the transferee and the date and amount of the transfer. Every such transferee shall retain the delivery ticket, or other document so furnished him, at his place of business for a period of at least one year from the date of the transfer.

§ 1394.5733 *Inspection of records and facilities.* All records, reports, forms, accounts, or other documents required by Ration Order No. 11 to be prepared and kept by any person, and the fuel oil facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the establishment or office of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

NEW REGISTRATIONS

§ 1394.5741 *Registration of new or reopened business.* Any person who opens or reopens, as a dealer or supplier, a place of business which is required to be registered under the provisions of § 1394.5701, but which has not been so registered, shall, prior to making or receiving a transfer of fuel oil within the limitation area (or from within to a consumer without the limitation area) register, in the manner provided in §§ 1394.5701 to 1394.5703, inclusive, and shall, if such person is a dealer or secondary supplier,* receive inventory coupons in the manner provided in § 1394.5705.

§ 1394.5742 *Dealer or secondary supplier who becomes primary supplier.* Any dealer or secondary supplier within the limitation area who becomes a primary supplier as to any place of business shall forthwith deliver to the Board having jurisdiction over the area in which such place of business is located, his certificate of registration, and coupons and other evidences (and delivery receipts), equal in gallonage value to the total unfilled capacity of his fuel oil storage facilities, and shall thereupon register as a primary supplier in the manner provided by paragraph (a) of § 1394.5701.

§ 1394.5743 *Transfer of entire business.* (a) If the entire place of business of any primary supplier is transferred,

the transferee may acquire the fuel oil inventory of the transferor without the surrender of coupons or other evidences. The transferee shall obtain, and the transferor shall furnish, the certificate of registration in which such place of business is included, and the transferee shall then endorse such certificate at the office of the Board which issued it, specifying in such endorsement the place of business or facilities transferred and the fuel oil on hand at the time of such transfer. The endorsement shall constitute a certification by the endorser that he has acquired from the transferor the place of business and the amount of fuel oil specified in such endorsement. The Board shall forward such endorsed certificate to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. The transferor shall submit to the Control and Audit Unit, together with his monthly report to such Unit for the period during which the transfer of the place of business was made, exchange certificates representing all coupons and other evidences which he is required to submit with respect to such place of business, but has not yet submitted, pursuant to the provisions of § 1394.5731. The transferor shall, if he continues as a primary supplier with respect to any place of business included in the endorsed certificate of registration, re-register such place of business, with any Board, in the manner provided in §§ 1394.5701 to 1394.5703, inclusive.

(b) If the entire place of business of any dealer or secondary supplier is transferred, the transferee of the business may acquire the fuel oil inventory of the transferor without the surrender of coupons or other evidences. The transferee of such place of business shall obtain, and the transferor shall furnish, the certificate of registration of such place of business, and valid coupons or other evidences in an amount equal to the fuel oil storage capacity unfilled at the time of the transfer of such place of business. The transferee shall then endorse, at the office of the Board having jurisdiction over the area in which such place of business is located, the original certificate of registration and the duplicate on file at the Board, and the Board shall retain the original and the duplicate on file. Such endorsement shall constitute a certification by the endorser that he has acquired from the transferor the place of business registered in the certificate and fuel oil stocks, plus coupons or other evidences, together equal in gallonage value to the total fuel oil storage capacity of the place of business transferred. If the transferee registers as a primary supplier with respect to such place of business, he shall surrender to the Board all the coupons and other evidences received from the transferor.

(c) The transferee of a place of business shall, after complying with the requirements of paragraphs (a) and (b) of this section, register, on Form OPA R-1116, in the manner required by § 1394.5701, except that no inventory coupons shall be issued to such transferee: *Provided, however,* That inventory coupons shall be issued, in the manner pro-

vided in § 1394.5705, to a transferee who registers as a dealer or secondary supplier with respect to a place of business transferred to him from a primary supplier.

§ 1394.5744 *Cessation of business as a dealer or secondary supplier.* Any dealer or secondary supplier who disposes of his stocks of fuel oil and terminates his operations as to any place of business without transferring such business to another person for continued operation, shall, at the time of final closing, surrender the original certificate of registration, together with coupons or other evidences equal in gallonage value to the total capacity of the fuel oil storage facilities registered for such place of business, to the Board having jurisdiction over the area where it is located.

§ 1394.5745 *Cessation of business as a primary supplier.* (a) Any primary supplier who ceases to be a primary supplier as to any place of business registered by him shall, immediately after such cessation, advise the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., and shall surrender, to any Board, the registration certificate in which such place of business was included. He shall, if he continues in business as a primary supplier with respect to any other place of business included in such certificate, execute a new certificate of registration for such other place of business in the manner required by §§ 1394.5701 to 1394.5703, inclusive. If the primary supplier terminates operation as a primary supplier at all places of business included in such certificate, he shall submit to the Control and Audit Unit, together with his monthly report to such Unit for the period in which he terminated operations, exchange certificates representing all coupons and other evidences which he is required to submit with respect to such place of business, but has not yet submitted, pursuant to the provisions of § 1394.5731.

(b) Any primary supplier who ceases to be a primary supplier as to any place of business registered by him, but who continues in the business of transferring fuel oil at such place of business, shall, in addition to complying with the requirements of paragraph (a) of this section, register as a dealer or secondary supplier with respect to such place of business, pursuant to paragraph (b) of § 1394.5701, and shall receive inventory coupons therefor pursuant to § 1394.5705.

(c) The Board shall forward the surrendered registration certificate and the original and duplicate of the new registration certificate (if any), as a primary supplier, to the Control and Audit Unit. The Control and Audit Unit shall cancel the surrendered certificate, and shall return the original of the new certificate, if any, to the registrant, in the manner provided by § 1394.5704.

§ 1394.5746 *Change of storage capacity.* Any dealer or secondary supplier in any manner altering the total capacity of his stationary fuel oil storage facilities, or, if he has no stationary storage facilities, of his mobile facilities, or converting

such facilities to the storage of a product other than fuel oil, shall surrender his original certificate of registration, for cancellation, to the Board by which it was issued, and shall obtain a new certificate of registration in the manner provided by §§ 1394.5701 to 1394.5705 inclusive. The Board shall attach to its duplicate copy of the new certificate the original and the copy of the cancelled certificate. Where the capacity of fuel oil storage facilities is decreased, the dealer or secondary supplier shall surrender to the Board coupons or other evidences equal in gallonage value to the amount of the decrease. Where the capacity of fuel oil storage facilities is increased, the Board shall issue to the dealer or secondary supplier, in the manner described in § 1394.5705, inventory coupons equal in gallonage value to the amount of the increase.

APPEALS

§ 1394.5751 *Who may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Ration Order No. 11 may appeal from such action pursuant to the provisions of §§ 1394.5752 to 1394.5757, inclusive.

§ 1394.5752 *Time within which appeal must be brought.* Notice of a Board's action shall be given, either at the Board's office or by mail, to an applicant or petitioner, or to the agent of either. The appeal must be brought within thirty (30) days after such mailing or the giving of such other notice.

§ 1394.5753 *Appeals to state director; how brought.* Appeals from the action of a Board shall be to the State Director and shall be brought by a person entitled to bring such appeal under § 1394.5751, in the following manner:

(a) A statement of appeal shall be filed in duplicate with the Board. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 11 claimed to be inconsistent with the action appealed from, and any other facts deemed by the applicant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five (5) days of such filing, the Board shall forward one (1) copy of the statement and an explanation of its reasons for taking the action appealed from, together with all pertinent records of papers, to the State Director, unless the Board shall, within such five (5) day period, upon reconsideration, reverse the action appealed from. If the Board disagrees with the version of the facts contained in the appellant's statement of appeal or in other papers in the record, the Board shall note the respects in which its version of the facts differs.

(c) The Board shall retain the other copy of the statement of appeal and shall keep a record thereon showing the date on which the Board notified the appellant of the action appealed from, the date on which the statement of appeal was filed,

and the date the statement of appeal and other papers were sent to the Director.

§ 1394.5754 *Action by state director.* (a) The State Director shall maintain an appeals docket. He shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant and the name and number of the Board from whose action the appeal is taken, the action taken on appeal, and the date on which a copy of his decision was mailed to the appellant.

(b) The State Director may require the appellant to present additional pertinent information.

(c) Appeals shall be decided by the State Director, who may affirm, modify, or reverse the action of the Board. The decision shall be in writing and one (1) copy shall be mailed to the appellant and one to the Board. The decision shall direct the Board to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Regional Administrator is filed with the State Director within thirty (30) days after the appellant has been notified of the State Director's decision, the record shall be closed and thereafter there shall be no further right of appeal. The record shall remain on file in the State Director's office, except that documents which are necessary to present or future action of the Board shall be returned to the Board.

§ 1394.5755 *Appeals to regional administrator; how brought.* Except as provided in § 1394.5508 an appeal to the Regional Administrator may be made in the following manner from an adverse decision of the State Director, whether such decision is in a matter which came before the State Director on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the State Director, who shall retain one copy for his files. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 11 claimed to be inconsistent with the action appealed from, and any other facts deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five (5) days of such filing, the State Director shall forward the other copy, together with his decision and all other pertinent records or papers, to the Regional Administrator, unless the State Director shall, within such five (5) day period, upon reconsideration, reverse his decision.

§ 1394.5756 *Action by regional administrator.* (a) The Regional Administrator shall maintain an appeals docket and shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant, the name of the State Director, the name and number of the Board, the action taken by the Regional Administrator, and the date on which a copy of the Regional Administrator's decision was mailed to the appellant.

(b) The Regional Administrator may require the appellant to present additional pertinent information.

(c) Appeals to the Regional Administrator shall be decided by the Regional Administrator who may affirm, modify, or reverse the decision of the State Director. The decision shall be in writing and copies shall be mailed to the appellant, the Board, if an action of the Board is involved, and to the State Director. The decision shall direct the Board or the State Director to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Washington Office is filed with the Regional Administrator within thirty (30) days after the appellant has been notified of the Regional Administrator's decision, the record shall be closed and shall be returned to the State Director's office, where it shall remain on file, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

§ 1394.5757 *Appeal to Washington Office; how brought.* Except as provided in § 1394.5508, an appeal to the Washington Office may be made in the following manner from an adverse decision of the Regional Administrator, whether such decision is in a matter which came before the Regional Administrator on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the Regional Administrator, who shall retain one (1) copy for his files. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 11 claimed to be inconsistent with the action appealed from, and any other facts deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five (5) days of such filing, the Regional Administrator shall forward the other copy, together with his decision and all other pertinent records or papers, to the Washington Office, unless the Regional Administrator shall, within such five (5) day period, upon reconsideration, reverse his decision.

(c) It shall be within the discretion of the Washington Office to pass upon or to refuse to pass upon an appeal. The Washington Office may require any appellant to furnish additional pertinent information.

(d) The Washington Office shall notify the appellant, the Regional Administrator, the State Director, and the Board, in writing, either:

(1) Of its refusal to pass upon the appeal; or

(2) Of its decision affirming, modifying, or reversing the decision of the Regional Administrator. The Washington Office shall direct the Board to take such action as may be necessary to give effect thereto.

(e) When the Washington Office has acted upon the appeal or has refused to act upon it, the record of the case shall be returned to the office of the State Director where it is to be filed, except that

documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

PERSONNEL AND ADMINISTRATION

§ 1394.5771 *Personnel.* (a) Ration Order No. 11 shall be administered by the Office of Price Administration, its Regional Administrators, State Directors, War Price and Rationing Boards, and such other administrative personnel as it may designate.

(b) No person participating in the administration of Ration Order No. 11 shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage, or adoption.

§ 1394.5772 *Powers and duties.* The persons appointed to administer or to assist in the administration of Ration Order No. 11 shall have such powers and duties as are herein described and as the Office of Price Administration has assigned or may from time to time assign to them.

§ 1394.5773 *Records of applications.* (a) Except as provided in paragraph (b) of this section, each Board shall maintain a file of all applications for rations passed upon by it or received by it from any other Board.

(b) A Board, after passing upon an application for a ration pursuant to subparagraph (5) of paragraph (b) of § 1394.5101 shall forward such application through the State Director to the Board having jurisdiction pursuant to subparagraphs (1), (2) or (3) (as the case may be) of that paragraph.

§ 1394.5774 *Appearances before boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.5775 *Inspections.* The Office of Price Administration or any duly authorized employee, representative or agent thereof may at any reasonable time inspect or require the inspection of any premises or oil burning equipment for which an application for a ration has been made, or of any fuel oil storage facilities.

VALUE OF UNIT; VALID PERIOD OF COUPONS

§ 1394.5781 *Value of unit.* The Washington Office will from time to time, by order, fix the value of a unit. Such order may vary the value of a unit with respect to the area in which or time when a coupon is used.

§ 1394.5782 *Valid period of coupons.* The Washington Office may from time to time, by order, change the valid period of coupons on Class 1 and 2 coupon sheets.

PROHIBITIONS

§ 1394.5801 *Prohibitions.* (a) No person shall transfer, receive a transfer of, or possess or use, fuel oil except in accordance with the provisions of Ration Order No. 11.

(b) No person shall transfer or assign, and no person shall receive a transfer or assignment of any coupon sheet, coupon, acknowledgment of delivery, inventory coupon, exchange certificate, export certificate or Delivery Receipt (whether or not such coupon sheet or Delivery Receipt was issued as a ration and whether or not such coupon was issued as a ration or as part of a coupon sheet) except in accordance with the provisions of Ration Order No. 11.

(c) No person shall have in his possession any coupon sheet, coupon, acknowledgment of delivery, inventory coupon, exchange certificate, export certificate or delivery receipt (whether or not such coupon sheet or delivery receipt was issued as a ration and whether or not such coupon was issued as a ration or as part of a coupon sheet) except the person, or the agent of the person, to whom such coupon, coupon sheet, acknowledgment of delivery, inventory coupon, exchange certificate, export certificate or delivery receipt was issued, or by whom it was acquired, in accordance with the provisions of Ration Order No. 11.

(d) No person shall deface, mutilate, alter or destroy any coupon, coupon sheet, other evidence, or delivery receipt.

(e) No person shall counterfeit or forge a coupon, coupon sheet, other evidence, or delivery receipt.

(f) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon, coupon sheet, other evidence, or delivery receipt.

(g) The provisions of paragraphs (a), (b), (c), (d), and (f) of this section shall not be applicable to public officials acting in the performance of their official duties.

(h) No person shall wilfully spoil or destroy fuel oil.

(i) No person shall offer, solicit, attempt, or agree to do any act in violation of Ration Order No. 11.

ENFORCEMENT

§ 1394.5802 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 11 or who otherwise knowingly furnishes false information to any Board or any other agent, employee, or officer of the Office of Price Administration, or falsifies, or who conceals or covers up a material fact, by any trick, scheme, or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000, or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 11 may upon conviction be fined not more than \$10,000, or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

using or otherwise disposing of, any fuel, oil or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

§ 1394.585 Tables—(a) Table 1: Percentage adjustment to obtain normal consumption and maximum and minimum rations per square foot of heated floor area by thermal sub-zones.

Thermal subzone (by states and counties)	(c) Percentage of 1941-42 consumption to obtain normal consumption	(d) Maximum and minimum ration per square foot of heated floor area	(e) Central heating equip- ment				(f) Space heaters
			(a) Minimum		(b) Maximum		
			Maximum	Minimum	Maximum	Minimum	
1.....	111	1.875	1.438	2.250	1.725		
2.....	111	1.785	1.370	2.143	1.644		
North Dakota: Bottineau, Cavalier, Benville, Rolette, and Towner.							
Minnesota: Beltrami, Clearwater, Cook, Itasca, Kint- son, Koochiching, Lake, Lake of the Woods, Mah- nomah, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and St. Louis.							
North Dakota: Benson, Burke, Divide, Eddy, Grand Forks, McHenry, Mountain, Nelson, Pembina, Pierce, Ramsey, Walsh, Ward, and Wells.							
3.....	111	1.696	1.301	2.025	1.361		
Maine: Aramooseuk Minnesota: Aitkin, Becker, Carlton, Cass, Clay, Crow Wing, Hubbard, Otter Tail, Washburn, and Wilkin. North Dakota: Barnes, Cass, Foster, Griggs, Steele, Suttonman, and Traill. Wisconsin: Bayfield and Douglas.							
4.....	111	1.607	1.253	1.928	1.480		
Maine: Piscataquis and Somerset. Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Leech, Macki- nac, Marquette, Menominee, Ontonagon, and Schoolcraft. Minnesota: Benton, Douglas, Grant, Kanabec, Mille Lacs, Morrison, Pine, Todd, and Traverse. New Hampshire: Coos. North Dakota: Billings, Burleigh, Dickey, Dunn, Emmons, Golden Valley, Grand, Hargreaves, Kidder, La Motte, Logan, McIntosh, Mercer, McLean, Morton, Nelson, Otter Tail, Roseau, and Steele. South Dakota: Black Hills, Brown, Campbell, McPherson, Mar- shall, and Roberts. Vermont: Essex and Orleans. Wisconsin: Ashland, Burnett, Florence, Forest, Iron, Marquette, Oneida, Price, Sawyer, Vilas, and Wash- burn.							
5.....	111	1.518	1.164	1.922	1.397		
Maine: Franklin, Oxford, Penobscot, and Washington. Minnesota: Big Stone, Chicago, Isanti, Pope, Sher- burne, Soudan, and Stevens. New Hampshire: Carroll and Grafton. New York: Franklin and Hamilton.							

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 11 may upon conviction be fined not more than \$10,000, or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

person who violates Ration Order No. 11 may, by administrative suspension or order, be prohibited from receiving any transfers or deliveries of, or selling or

Thermal subzone (by states and counties)	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Maximum and minimum ratios per square foot of heated floor area		(3) Maximum and minimum ratios per square foot of heated floor area	
		(a) Central heating equipment	(b) Space heaters	(a) Central heating equipment	(b) Space heaters
		Maximum	Minimum	Maximum	Minimum
<p>Illinois: Adams, Brown, Cass, Christian, Coles, Douglas, Edgar, Macon, Menard, Morgan, Monticello, Pike, Sangamon, Scott, Shelby, and Vermilion.</p> <p>Indiana: Boone, Clinton, Delaware, Fayette, Fountain, Hamilton, Hancock, Hendricks, Henry, Madison, Marion, Montgomery, Parke, Putnam, Randolph, Rush, Tipton, Union, Vermillion, Warren, and Wayne.</p> <p>Missouri: Allegheny and Washington.</p> <p>Minnesota: Andrew, Buchanan, Caldwell, Carlton, Clinton, Davies, De Kalb, Holt, Lewis, Linn, Livingston, Macon, Marion, Monroe, Pike, Ralls, Randolph, and Shelby.</p> <p>New Jersey: Hudson, Hunterdon, Mercer, Middlesex, Somerset, and Union.</p> <p>New York: Broome, Chautauque, Hamilton, Madison, and Sullivan.</p> <p>Ohio: Belmont, Clark, Clinton, Fairfield, Fayette, Franklin, Greene, Guernsey, Hocking, Licking, Madison, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, and Preble.</p> <p>Pennsylvania: Allegheny, Berks, Bucks, Chester, Dauphin, Fayette, Greene, Lancaster, Lebanon, Lehigh, Lycoming, and York.</p> <p>West Virginia: Barbour, Berkeley, Hampshire, Hardy, Harrison, Lincoln, Logan, Marion, Mingo, Putnam, Tucker, Upshur, and Wayne.</p>	111	.963	.733	1.178	.904
<p>Illinois: Bond, Calhoun, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Edgar, Elkhart, Fayette, Greene, Jasper, Jefferson, Jessup, Lawrence, Madison, Marion, Morgan, Montgomery, Richmond, St. Clair, Wabash, Washington, and Wayne.</p> <p>Indiana: Bartholomew, Brown, Clay, Davies, Dearborn, DeWitt, Franklin, Gibson, Greene, Jackson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Pike, Ripley, Shelby, Sullivan, and Vigo.</p> <p>Kansas: Allen, Anderson, Barton, Butler, Chase, Coffey, Dickinson, Douglas, Edwards, Ellsworth, Finney, Ford, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Lincoln, Lyon, McPherson, Marion, Miami, Morris, Ness, Osage, Ottawa, Pawnee, Pratt, Reno, Rice, Rush, Russell, Saline, Sedgewick, Stafford, Stanton, Wabash, and Woodson.</p> <p>Missouri: Audrain, Boone, Callaway, Carroll, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Howard, Jackson, Johnson, Lafayette, Lincoln, Monticello, Montgomery, Morgan, Pettis, Platte, Ray, St. Charles, St. Louis, St. Louis City, Saline, and Warren.</p>	112	.804	.616	.965	.739
<p>Illinois: Adams, Brown, Cass, Christian, Coles, Douglas, Edgar, Macon, Menard, Morgan, Monticello, Pike, Sangamon, Scott, Shelby, and Vermilion.</p> <p>Indiana: Boone, Clinton, Delaware, Fayette, Fountain, Hamilton, Hancock, Hendricks, Henry, Madison, Marion, Montgomery, Parke, Putnam, Randolph, Rush, Tipton, Union, Vermillion, Warren, and Wayne.</p> <p>Missouri: Allegheny and Washington.</p> <p>Minnesota: Andrew, Buchanan, Caldwell, Carlton, Clinton, Davies, De Kalb, Holt, Lewis, Linn, Livingston, Macon, Marion, Monroe, Pike, Ralls, Randolph, and Shelby.</p> <p>New Jersey: Hudson, Hunterdon, Mercer, Middlesex, Somerset, and Union.</p> <p>New York: Broome, Chautauque, Hamilton, Madison, and Sullivan.</p> <p>Ohio: Belmont, Clark, Clinton, Fairfield, Fayette, Franklin, Greene, Guernsey, Hocking, Licking, Madison, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, and Preble.</p> <p>Pennsylvania: Allegheny, Berks, Bucks, Chester, Dauphin, Fayette, Greene, Lancaster, Lebanon, Lehigh, Lycoming, and York.</p> <p>West Virginia: Barbour, Berkeley, Hampshire, Hardy, Harrison, Lincoln, Logan, Marion, Mingo, Putnam, Tucker, Upshur, and Wayne.</p>	113	.804	.616	.965	.739
<p>Illinois: Bond, Calhoun, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Edgar, Elkhart, Fayette, Greene, Jasper, Jefferson, Jessup, Lawrence, Madison, Marion, Morgan, Montgomery, Richmond, St. Clair, Wabash, Washington, and Wayne.</p> <p>Indiana: Bartholomew, Brown, Clay, Davies, Dearborn, DeWitt, Franklin, Gibson, Greene, Jackson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Pike, Ripley, Shelby, Sullivan, and Vigo.</p> <p>Kansas: Allen, Anderson, Barton, Butler, Chase, Coffey, Dickinson, Douglas, Edwards, Ellsworth, Finney, Ford, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Lincoln, Lyon, McPherson, Marion, Miami, Morris, Ness, Osage, Ottawa, Pawnee, Pratt, Reno, Rice, Rush, Russell, Saline, Sedgewick, Stafford, Stanton, Wabash, and Woodson.</p> <p>Missouri: Audrain, Boone, Callaway, Carroll, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Howard, Jackson, Johnson, Lafayette, Lincoln, Monticello, Montgomery, Morgan, Pettis, Platte, Ray, St. Charles, St. Louis, St. Louis City, Saline, and Warren.</p>	114	.804	.616	.965	.739
<p>Illinois: Bond, Calhoun, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Edgar, Elkhart, Fayette, Greene, Jasper, Jefferson, Jessup, Lawrence, Madison, Marion, Morgan, Montgomery, Richmond, St. Clair, Wabash, Washington, and Wayne.</p> <p>Indiana: Bartholomew, Brown, Clay, Davies, Dearborn, DeWitt, Franklin, Gibson, Greene, Jackson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Pike, Ripley, Shelby, Sullivan, and Vigo.</p> <p>Kansas: Allen, Anderson, Barton, Butler, Chase, Coffey, Dickinson, Douglas, Edwards, Ellsworth, Finney, Ford, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Lincoln, Lyon, McPherson, Marion, Miami, Morris, Ness, Osage, Ottawa, Pawnee, Pratt, Reno, Rice, Rush, Russell, Saline, Sedgewick, Stafford, Stanton, Wabash, and Woodson.</p> <p>Missouri: Audrain, Boone, Callaway, Carroll, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Howard, Jackson, Johnson, Lafayette, Lincoln, Monticello, Montgomery, Morgan, Pettis, Platte, Ray, St. Charles, St. Louis, St. Louis City, Saline, and Warren.</p>	115	.804	.616	.965	.739

Thermal scheme (by states and counties)	(1) Percent- age of 1941-42 con- sump- tion to obtain normal con- sump- tion	(2) Maximum and minimum ration per square foot of heated floor area		(3) Maximum and minimum ration per square foot of heated floor area	
		(a) Central heating equip- ment		(b) Space heaters	
		Maximum	Minimum	Maximum	Minimum
<p>Old: Galla, Lawrence, and Seale.</p> <p>West Virginia: Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mingo, Putnam, Wayne, and Wyoming.</p> <p>14.</p> <p>Virginia: Albemarle, Amherst, Appomattox, Bedford, Buckingham, Campbell, Caroline, Cumberland, Essex, Fluvanna, Franklin, Goochland, Hanover, Henrico, Henry, King and Queen, King George, King William, Lancaster, Louisa, Middlesex, Nelson, Northampton, Patrick, Powhatan, Richmond, and Westmoreland.</p> <p>14A.</p> <p>North Carolina: Buncombe, Carver, Haywood, Henderson, Madison, Mitchell, Person, Rockingham, Stokes, Surry, Transylvania, and Yancey.</p> <p>14B.</p> <p>Illinois: Alexander, Gallatin, Hardin, Johnson, Mason, Pope, Pulaski, Saline, and Union.</p> <p>Kentucky: Adair, Barron, Bell, Boyle, Breathitt, Breckinridge, Butler, Caldwell, Casey, Clay, Crittenden, Daviess, Edmonson, Estill, Floyd, Garrard, Grayson, Green, Hancock, Hardin, Hart, Henderson, Hopkins, Jackson, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, Livingston, Lyon, McLean, Madison, Marion, Martin, Menard, Metcalfe, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Union, Warren, Washington, Webster, Whitley, and Wolfe.</p> <p>Massachusetts: Barry, Butler, Jasper, Lawrence, McDonald, Newton, Oart, Ripley, Scott, Stoddard, Stone, and Taney.</p> <p>15.</p> <p>North Carolina: Alamance, Alexander, Burke, Caber- rus, Caldwell, Camden, Caswell, Chatham, Cherokee, Chowan, Clay, Cleveland, Currituck, Daviess, Dare, Durham, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Guilford, Hills- dale, Hertford, Iredell, Jackson, Lincoln, McDowell, Macon, Mecklenburg, Montgomery, Northampton, Orange, Person, Perquimans, Polk, Ral- ph, Rowan, Rutherford, Stanley, Swain, Vance, Wake, Warren, Wilkes, and Yadkin.</p> <p>South Carolina: Cherokee, Greenville, Oconee, Pickens, and Spartanburg.</p> <p>15A.</p> <p>Georgia: Fannin, Gilmer, Habersham, Hall, Lumpkin, Murray, Rabun, Stephens, Towns, Union, and White.</p> <p>Kentucky: Allen, Ballard, Calloway, Carlisle, Chris- tian, Clinton, Cumberland, Fulton, Graves, Hick- man, Logan, McCracken, McCreary, Marshall, Men- roe, Simpson, Todd, Trim, and Wayne.</p> <p>Massachusetts: Dunkin, Mississippi, New Madrid, and Pembroke.</p>	112	.714	.548	.857	.658
	110	.714	.548	.857	.658
	106	.714	.548	.857	.658
	107	.411	.538	.446	.410
	100	.274	.357	.428	.320
	100	.205	.268	.322	.246

Thermal subzone (by states and counties)	(1) Percent- age of 1941-42 con- sump- tion to obtain normal con- sump- tion	(2) Maximum and minimum ration per square foot of heated floor area			
		(a) Central heating equip- ment		(b) Space heaters	
		Maximum	Minimum	Maximum	Minimum
20.....	100	.179	.137	.215	.164
Florida: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla.					
21.....	100	.089	.068	.107	.082
Florida: Brevard, Broward, Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Oklawaha, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Seminole.					
22.....	100	.036	.027	.043	.032
Florida: Dade and Monroe.					

(b) Table II: percentage of fuel oil allocable to thermal periods by thermal zones; to be deducted for late applicants.

Thermal zone A	Dates of application (inclusive)			Percent- age of fuel oil
	Thermal zone B	Thermal zone C	Thermal zone D	
Nov. 1-Nov. 3.....	Nov. 1-Nov. 6.....	Nov. 1-Nov. 5.....	Nov. 1-Nov. 4.....	Period 1
Nov. 4-Nov. 8.....	Nov. 7-Nov. 11.....	Nov. 6-Nov. 9.....	Nov. 5-Nov. 9.....	30%
Nov. 9-Nov. 13.....	Nov. 12-Nov. 16.....	Nov. 10-Nov. 14.....	Nov. 10-Nov. 14.....	40%
Nov. 14-Nov. 19.....	Nov. 17-Nov. 21.....	Nov. 15-Nov. 19.....	Nov. 15-Nov. 19.....	50%
Nov. 20-Nov. 24.....	Nov. 22-Nov. 26.....	Nov. 20-Nov. 24.....	Nov. 20-Nov. 24.....	60%
Nov. 25-Nov. 29.....	Nov. 27-Dec. 2.....	Nov. 25-Nov. 29.....	Nov. 25-Nov. 29.....	70%
		Nov. 30-Dec. 3.....	Dec. 2-Dec. 5.....	80%
				90%
				95%
Nov. 30-Dec. 3.....	Dec. 3-Dec. 4.....	Dec. 4-Dec. 6.....	Dec. 6-Dec. 7.....	Period 2
Dec. 4-Dec. 7.....	Dec. 5-Dec. 8.....	Dec. 7-Dec. 9.....	Dec. 8-Dec. 10.....	10%
Dec. 8-Dec. 11.....	Dec. 9-Dec. 11.....	Dec. 10-Dec. 12.....	Dec. 11-Dec. 13.....	20%
Dec. 12-Dec. 15.....	Dec. 12-Dec. 15.....	Dec. 13-Dec. 15.....	Dec. 14-Dec. 16.....	30%
Dec. 16-Dec. 18.....	Dec. 16-Dec. 18.....	Dec. 16-Dec. 18.....	Dec. 17-Dec. 19.....	40%
Dec. 19-Dec. 22.....	Dec. 19-Dec. 22.....	Dec. 19-Dec. 22.....	Dec. 20-Dec. 21.....	50%
Dec. 23-Dec. 26.....	Dec. 23-Dec. 25.....	Dec. 23-Dec. 25.....	Dec. 22-Dec. 24.....	60%
Dec. 27-Dec. 30.....	Dec. 26-Dec. 28.....	Dec. 26-Dec. 28.....	Dec. 25-Dec. 27.....	70%
Dec. 31-Jan. 2.....	Dec. 30-Jan. 1.....	Dec. 29-Dec. 31.....	Dec. 28-Dec. 30.....	80%
Jan. 3-Jan. 6.....	Jan. 2-Jan. 5.....	Jan. 1-Jan. 4.....	Dec. 31-Jan. 2.....	90%
				95%
Jan. 7-Jan. 10.....	Jan. 6-Jan. 7.....	Jan. 5-Jan. 6.....	Jan. 3-Jan. 5.....	Period 3
Jan. 11-Jan. 13.....	Jan. 8-Jan. 11.....	Jan. 7-Jan. 9.....	Jan. 6-Jan. 8.....	10%
Jan. 14-Jan. 16.....	Jan. 12-Jan. 14.....	Jan. 10-Jan. 12.....	Jan. 9-Jan. 11.....	20%
Jan. 17-Jan. 20.....	Jan. 15-Jan. 17.....	Jan. 13-Jan. 15.....	Jan. 12-Jan. 15.....	30%
Jan. 21-Jan. 23.....	Jan. 18-Jan. 20.....	Jan. 16-Jan. 17.....	Jan. 16-Jan. 18.....	40%
Jan. 24-Jan. 26.....	Jan. 21-Jan. 23.....	Jan. 18-Jan. 20.....	Jan. 19-Jan. 22.....	50%
Jan. 27-Jan. 29.....	Jan. 24-Jan. 26.....	Jan. 21-Jan. 23.....	Jan. 23-Jan. 26.....	60%
Jan. 30-Feb. 1.....	Jan. 27-Jan. 30.....	Jan. 24-Jan. 26.....	Jan. 27-Jan. 29.....	70%
Feb. 2-Feb. 5.....	Jan. 31-Feb. 2.....	Jan. 27-Jan. 29.....	Jan. 30-Feb. 2.....	80%
Feb. 6-Feb. 8.....	Feb. 3-Feb. 6.....	Jan. 30-Feb. 2.....	Feb. 3-Feb. 5.....	90%
				95%
Feb. 9-Feb. 11.....	Feb. 7-Feb. 8.....	Feb. 5-Feb. 7.....	Feb. 6-Feb. 8.....	Period 4
Feb. 12-Feb. 15.....	Feb. 9-Feb. 11.....	Feb. 8-Feb. 11.....	Feb. 9-Feb. 11.....	10%
Feb. 16-Feb. 18.....	Feb. 12-Feb. 14.....	Feb. 12-Feb. 14.....	Feb. 12-Feb. 14.....	20%
Feb. 19-Feb. 22.....	Feb. 15-Feb. 17.....	Feb. 15-Feb. 17.....	Feb. 15-Feb. 17.....	30%
Feb. 23-Feb. 25.....	Feb. 18-Feb. 20.....	Feb. 18-Feb. 20.....	Feb. 18-Feb. 20.....	40%
Feb. 26-Mar. 1.....	Feb. 21-Feb. 24.....	Feb. 21-Feb. 24.....	Feb. 21-Feb. 24.....	50%
Mar. 2-Mar. 5.....	Feb. 25-Feb. 27.....	Feb. 24-Feb. 27.....	Feb. 24-Feb. 27.....	60%
Mar. 6-Mar. 9.....	Feb. 28-Mar. 3.....	Feb. 28-Mar. 3.....	Feb. 27-Feb. 28.....	70%
Mar. 10-Mar. 14.....	Mar. 4-Mar. 7.....	Mar. 28-Mar. 3.....	Mar. 1-Mar. 3.....	80%
Mar. 15-Mar. 17.....	Mar. 8-Mar. 12.....	Mar. 3-Mar. 6.....	Mar. 4-Mar. 6.....	90%
				95%
Mar. 18-Mar. 23.....	Mar. 13-Mar. 17.....	Mar. 7-Mar. 11.....	Mar. 7-Mar. 10.....	Period 5
Mar. 24-Mar. 27.....	Mar. 16-Mar. 22.....	Mar. 12-Mar. 15.....	Mar. 11-Mar. 14.....	10%
Mar. 28-Apr. 1.....	Mar. 23-Mar. 26.....	Mar. 16-Mar. 19.....	Mar. 15-Mar. 19.....	20%
Apr. 2-Apr. 7.....	Mar. 27-Mar. 31.....	Mar. 20-Mar. 24.....	Mar. 20-Mar. 25.....	30%
Apr. 8-Apr. 13.....	Apr. 1-Apr. 7.....	Mar. 25-Mar. 29.....	Mar. 25-Mar. 29.....	40%
Apr. 14-Apr. 18.....	Apr. 8-Apr. 15.....	Mar. 30-Apr. 4.....	Mar. 30-Apr. 3.....	50%
Apr. 19-Apr. 25.....	Apr. 16-Apr. 22.....	Apr. 5-Apr. 12.....	Apr. 4-Apr. 8.....	60%
Apr. 26-Apr. 30.....	Apr. 23-Apr. 29.....	Apr. 13-Apr. 20.....	Apr. 9-Apr. 16.....	70%
May 1-Sept. 30.....	Apr. 30-Sept. 30.....	Apr. 21-Sept. 30.....	Apr. 17-Sept. 30.....	80%
				90%

EFFECTIVE DATE

§ 1394.5901 *Effective date.* Ration Order No. 11 (§§ 1394.5001 to 1394.5901, inclusive) shall become effective October 22, 1942.

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10536; Filed, October 19, 1942;
12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3 Under § 1499.29 of GMPR]

AMERICAN RAW HIDES PRODUCTS COMPANY

Order No. 3 under § 1499.29 of the General Maximum Price Regulation—Docket No. GF3-2359.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered* Pursuant to Procedural Regulation No. 6:

§ 1499.403 *Adjustment of maximum prices for raw hide hammer heads manufactured by American Raw Hides Products Company.* (a) American Raw Hides Products Company, Providence, Rhode Island may sell and deliver to the United States Navy the commodities contracted to be sold by it under Bid-Schedule-900-8178-Ships, Bureau of Supplies and Accounts, Navy Department, Washington, D. C. at prices not higher than those set forth below:

Raw hide, hammer heads, Style No.:	Maximum prices (cents each)
1.....	23.34
3.....	33.76
4.....	40.26

(b) This order is limited to fulfillment of the contract above designated according to the terms thereof.

(c) All prayers of the application not herein granted are denied.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 3 (§ 1499.403) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(f) This Order No. 3 (§ 1499.403) shall become effective October 19, 1942.

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

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10532; Filed, October 19, 1942;
12:14 p. m.]

PART 1499.—COMMODITIES AND SERVICES

[Order 60 Under § 1499.18 (b) of GMPR]

JANNEY-SEMPLE-HILL & CO.

Order No. 60 under § 1499.18 (b) of the General Maximum Price Regulation.