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# FEDERAL REGISTER

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Washington, Saturday, September 2, 1944

## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter I—Farm Credit Administration

##### PART 26—THE FEDERAL LAND BANK OF ST. LOUIS

###### FEES

Sections 26.1, 26.2 of Title 6, Code of Federal Regulations are hereby revoked, effective Sept. 1, 1944 (Res. of Ex. Com. July 14, 1944).

Effective September 1, 1944, § 26.3 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 26.3 *Partial release of security and release of personal liability fees; land bank, Land Bank Commissioner or joint land bank and Land Bank Commissioner loans.* (a) When no reappraisal by a land bank appraiser is necessary, no fee is charged. (If the application is for a release of personal liability or for a partial release of a small portion of security for school, church, cemetery, or other public use, ordinarily no reappraisal is necessary.)

(b) When reappraisal by a land bank appraiser is required, except as indicated in paragraph (c) below, a \$10 fee is charged. (Ordinarily, reappraisal is required if more than 2% of the acreage included in the mortgage is involved in a partial release of security or subordination.)

(c) When the release or subordination is for public highway purposes, regardless of whether an appraisal is or is not required, no fee is charged.

(Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 831 (d), 1016 (e), and Supp.; 6 C.F.R. 19.339, 19.340) (Res. Executive Com. Aug. 14-44)

THE FEDERAL LAND BANK  
OF ST. LOUIS,  
WALTER H. DROSTE,  
President.

Attest:

E. B. HARRIS,  
Assistant Secretary.

[F. R. Doc. 44-13415; Filed, Sept. 1, 1944;  
11:55 a. m.]

### TITLE 7—AGRICULTURE

#### Chapter X—War Food Administration (Production Orders)

[WFO 9, Amdt. 2]

##### PART 1220—FEED

###### LIMITATIONS ON SALE, SHIPMENT, AND INVENTORIES OF PROTEIN MEAL AND ON USE OF SOYBEAN PRODUCTS

War Food Order No. 9 (formerly Food Production Order No. 9) (8 F.R. 16960, 9 F.R. 3475, 4319, 8767), is hereby amended as follows:

Paragraph (d) is amended to read:

(d) *Limitations on mixed feed manufacturers.* No mixed feed manufacturer shall use protein meal in the manufacture of mixed feeds, unless he used protein meal for such purpose prior to December 18, 1943. During the calendar year 1944, no mixed feed manufacturer shall use any quantity of protein meal in the manufacture of mixed feeds, which is in excess of the average quantity of protein meal used by him in the manufacture of mixed feeds during the calendar years 1942 and 1943, or 60 tons, whichever is greater: *Provided, however, That,* in computing the maximum quantity of protein meal which may be used in the manufacture of mixed feeds under this paragraph, any protein meal used in the manufacture of custom mixed feeds during the calendar years 1942 and 1943 shall not be taken into account, and any protein meal used in the manufacture of custom mixed feeds during the calendar year 1944 need not be taken into account: *Provided, further, That,* in computing the maximum quantity of protein meal which may be used by a manufacturer in the manufacture of mixed feeds under this paragraph, any protein meal used during the calendar quarters beginning July 1 and October 1, 1944, in the manufacture of cubes or pellets containing not less than 30 percent protein for the feeding of cattle or sheep on the range, which is in excess of the average quantity of protein meal used in the manufacture of cubes or pellets for such purpose during the corresponding quarters of the years 1942 and 1943, need not be taken into account. Whenever he deems it neces-

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[SEAL]



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### NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

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sary to the orderly distribution of protein meal, the Director may limit the quantity of protein meal which any mixed feed manufacturer may use in the manufacture of mixed feeds during any part of the calendar year.

Paragraph (j) is amended to read:

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of protein meal and mixed feed, of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

Paragraph (k) is amended to read:

(k) *Records and reports.* Every person subject to this order shall maintain for not less than two years accurate records concerning his monthly production, sales, purchases, contracts for sale or purchase, deliveries and shipments of protein meal and mixed feed. Any person receiving statements pursuant to paragraph (h) shall retain such statements on file for not less than two years. In addition, the Director shall be entitled to obtain such information from, and require such reports and the keeping of such other records, by any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

Paragraph (q) is amended by adding the following:

(9) "Custom mixed feed" means any mixed feed which is specially mixed for a feeder. It does not mean any mixed feed which is specially mixed for any person for resale by such person.

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

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of August, 1944.

ASHLEY SELLERS,  
War Food Administrator.

[F. R. Doc. 44-13398; Filed, Sept. 1, 1944;  
11:19 a. m.]

Chapter XI—War Food Administration  
(Distribution Orders)

[WFO 79-111, Amdt. 2]

## PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MUSKEGON, MICH.,  
SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-111 (9 F.R. 145, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Muskegon, Michigan, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.140 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Muskegon, Michigan, milk sales area, and is referred to hereinafter as the "sales area":

The cities of Muskegon, Muskegon Heights and North Muskegon and the townships of Laketon, Muskegon, Fruitport, and Norton, all in the county of Muskegon, Michigan.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts, unless more than 150 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk by-

*Assistant*

products, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of ob-

taining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-111, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-111, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,

Acting Director of Distribution.

[F. R. Doc. 44-13314; Filed, August 31, 1944; 3:20 p. m.]

[WFO 79-114 Amdt. 2]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN CHARLOTTE, N. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-114 (9 F.R. 149, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Charlotte, North Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.145 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Charlotte, North Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Charlotte and the township of Charlotte in the county of Mecklenburg in the State of North Carolina.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units

of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person effected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-114, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-114, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13315; Filed, August 31, 1944;  
3:20 p. m.]

[WFO 79-118, Amdt. 3]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN SAVANNAH, GA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to

effectuate the purposes thereof, War Food Order No. 79-118 (9 F.R. 636, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Savannah, Georgia, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.151 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Savannah, Georgia, milk sales area, and is referred to herein after as the "sales area":

The city of Savannah and Chatham County, all in the State of Georgia.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts, unless more than 50 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk.

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of

said War Food Order No. 79-118, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-118, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13318; Filed, August 31, 1944;  
3:20 p. m.]

[WFO 79-122, Amdt. 2]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN HOUSTON, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426; 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-122 (9 F.R. 641, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Houston, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.155 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this

order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Houston, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Houston, justices' precincts 1, 2, 8, and that part of justices' precinct 3 lying west of the San Jacinto River and that part of justices' precinct 3 east of the San Jacinto River which lies south of the Texas and New Orleans Railroad, all in Harris County, Texas.

(c) *Base period.* The calendar of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2)

one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-122, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-122, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13320; Filed, August 31, 1944;  
3:21 p. m.]

[WFO 79-129, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SHREVEPORT, LA.,  
SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to affectuate the purposes thereof, War Food Order No. 79-129 (9 F.R. 649, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the

Shreveport, Louisiana, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.164 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Shreveport, Louisiana, milk sales area, and is referred to hereinafter as the "sales area."

The city of Shreveport, police jury ward 2 in Bossier Parish, and police jury ward 4 in Caddo Parish, all in the State of Louisiana.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas estab-

lished hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m. e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-129, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment,

said War Food Order No. 79-129, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13322; Filed, August 31, 1944;  
3:21 p. m.]

[WFO 79-134, Amdt. 2]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN CORPUS CHRISTI, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-134 (9 F.R. 1078, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Corpus Christi, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.160 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or

milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Corpus Christi, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Corpus Christi and the remainder of the area included in Justices' precinct 1, all in Nueces County, Texas.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the

market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-134, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-134, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13324; Filed, August 31, 1944;  
3:21 p. m.]

[WFO 79-135, Amdt. 2]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN AMARILLO, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-135 (9 F.R. 1079, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Amarillo, Texas, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.165 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended,

shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Amarillo, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Amarillo, and the remainder of the area included in justices' precinct 1 in Potter County, all in the State of Texas.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(1) *Petition for relief from hardship.* (1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 7 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t. September 1, 1944. With respect to violations of said War Food Order No. 79-135, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-135, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13325; Filed, August 31, 1944;  
3:22 p. m.]

[WFO 79-136, Amdt. 3]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN AUGUSTA, GA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-136 (9 F.R. 1408, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Augusta, Georgia, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.171 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Augusta, Georgia, milk sales area, and is referred to hereinafter as the "sales area":

The city of Augusta and the militia districts numbered 119, 120, 123, 600 and 1,269, in Richmond County, Georgia, and the townships of Langley and Schultz in Aiken County, South Carolina.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent

or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-136, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-136, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13326; Filed, August 31, 1944;  
3:22 p. m.]

[WFO 79-137, Amdt. 2]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN COLUMBIA, S. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-137 (9 F.R. 1410, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Columbia, South Carolina, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.172 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and proc-

essed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pound of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Columbia, South Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Columbia and the school districts of Columbia, Hyatt Park, Edgewood, Olympia, and St. Andrews in Richland County, and the township of Congaree in Lexington County, all in the State of South Carolina.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts, unless more than 150 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of business: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an

exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-137, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-137, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392,

8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13327; Filed, August 31, 1944;  
3:22 p. m.]

[WFO 79-138, Amdt. 3]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN MACON, GA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319); dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-138 (9 F.R. 1481, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Macon, Georgia, milk sales area, is hereby further amended, so as to read as follows:

§ 1401.173 *Quota restrictions*—(a) *Definitions.* (1) Each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(2) The term "WFO 79" means War Food Order No. 79, dated September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) receives in a previously packaged and processed form milk, cream, or milk byproducts for delivery, and (ii) does not operate facilities for the processing and bottling of milk.

(4) The term "industrial user" means a person, as determined by the market agent, in his capacity as a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of primarily for resale to consumers off the premises where made.

(5) The term "base" means the total pounds delivered by a handler within the sales area during the base period (i) of milk solids in milk, (ii) of butterfat in cream, or (iii) of milk solids in milk byproducts, minus the quota exempt deliveries described in (j) hereof, and then divided by the number of days in the base period. (For the purpose of this order, the milk solids content of milk or milk byproducts shall be computed as follows: Each hundredweight of milk, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of solids calculated by multiplying the pounds of butterfat content of such milk or milk byproducts by .906, and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 65.63 pounds of milk solids minus .953 pounds of milk solids for each one-half percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is designated as a "milk sales area" to be known as the Macon, Georgia, milk

sales area, and is referred to hereinafter as the "sales area":

The city of Macon and the militia districts of Godfrey, East Macon, and Vineville, all in Bibb County, Georgia.

(c) *Base period.* The calendar month of June 1943 is designated the base period.

(d) *Quota period.* Each calendar month is designated as a quota period.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined for each quota period as follows:

(1) For milk, multiply his base of milk solids in milk by 100 percent;

(2) For cream, multiply his base of butterfat in cream by 75 percent;

(3) For milk byproducts, multiply his base of milk solids in milk byproducts by 100 percent; and

(4) Multiply each of the foregoing results by the number of days in the quota period.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, 1943, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e).

(g) *Quota adjustments.* Each handler may, within any quota period, (1) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts, *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (2) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts, unless more than 100 units of such daily average shall consist of cream. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(i) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from each handler involved; or

(2) Upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to an existing account; (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis; (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application; or (iv) a sub-handler applies in order to consummate a bona fide sale of busi-

ness: *Provided*, That any ruling by a market agent under this authority may be reviewed by the Director upon petition, or upon the initiative of the Director.

(j) *Quota exclusions and exemptions.* Deliveries of milk, cream, or milk byproducts, (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream, or other dairy products, from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(l) *Petition for relief from hardship.*

(1) Any person affected by WFO 79 or the provisions hereof, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, the hardship involved, and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(m) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 10 days following the close of each quota period, the information required by the market agent to establish the volume of deliveries of milk, cream, and milk byproducts, under the provisions of this order, during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market

agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(n) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas.

(o) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(p) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations of said War Food Order No. 79-138, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-138, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 30th day of August 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-13328; Filed, August 31, 1944;  
3:22 p. m.]

[WFO 70, 70-1; Termination]

PART 1470—FOOD STORAGE FACILITIES

TERMINATION OF RESTRICTION OF REFRIGERATED FOOD STORAGE FACILITIES

War Food Orders No. 70, as amended (8 F.R. 10703, 9 F.R. 3187, 4321, 4319), and No. 70-1, as amended (8 F.R. 10703, 9 F.R. 3189, 4321, 4319), are hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., September 2, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Orders No. 70, as amended, and No. 70-1, as amended, prior to the effective time hereof, all provisions of such orders in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding, with respect to any such violation, right, liability, or appeal.

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

Issued this 31st day of August 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-13400; Filed, Sept. 1, 1944;  
11:23 a. m.]

[WFO 90, 90-1; Termination]

## PART 1470—FOOD STORAGE FACILITIES

## TERMINATION OF RESTRICTION OF REFRIGERATED FOOD STORAGE FACILITIES

War Food Orders No. 90, as amended (8 F.R. 17335, 9 F.R. 3189, 4321, 4319), and No. 90-1, as amended (8 F.R. 17335, 9 F.R. 3187, 4321, 4319), are hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., September 2, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Orders No. 90, as amended, and No. 90-1, as amended, prior to the effective time hereof, all provisions of such orders in effect prior to the effective time hereof shall continue in full force and effect for the purpose of sustaining any action, suit, or other proceeding, with respect to any such violation, right, liability, or appeal.

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

Issued this 31st day of August, 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-13401; Filed, Sept. 1, 1944;  
11:23 a. m.]

[WFO 111]

## PART 1470—FOOD STORAGE FACILITIES

## REFRIGERATED FOOD STORAGE FACILITIES

The fulfillment of requirements for the defense of the United States will result in a shortage of refrigerated storage facilities for the freezing and storage of perishable foods. The following order is deemed necessary and appropriate in the public interest and to promote the National defense, and is issued in lieu of and for the purpose of replacing War Food Orders No. 70 and No. 90.

§ 1470.5 *Restrictions on use of refrigerated storage facilities*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other governmental agency thereof.

(2) "Refrigerated storage facility" means any artificially-cooled storage space of 10,000 cubic feet or more gross volume, but shall not include:

(i) That portion of such storage space occupied by individual lockers having a capacity of less than 25 cubic feet each;

(ii) Working space;

(iii) Storage space operated as a part of the business of an established food wholesaler or retailer, or of a hotel or other establishment where persons are housed or fed.

Where any part of the artificially-cooled storage space contained in a single

building is leased, such leased space shall be included in determining whether the warehouse is a refrigerated storage facility within the meaning of this definition, and the lessor of such space shall be deemed to be the person operating such refrigerated storage facility.

(3) "Working space" means space which is never used for storage in any form, and not including space which at any time during the year is used for general storage or for storage of the producer's product after it is ready for the market (except as otherwise herein excluded).

(4) "Food Wholesaler" means a person, the larger volume of whose food business is the purchase and resale of food products:

(i) Without materially changing their form or quality for distribution to retail outlets or to commercial, industrial, or institutional users, and

(ii) held by him in artificially-cooled storage space for periods not in excess of thirty (30) days.

(5) "Freezer space" means any space in a refrigerated storage facility which can be maintained at a temperature of 29 degrees Fahrenheit, or lower.

(6) "Restricted commodity" means any commodity designated by the Director not to be placed in a refrigerated storage facility.

(7) "Excluded commodity" means any commodity designated by the Director not to be placed in freezer space.

(8) "Limited-storage commodity" means any commodity designated by the Director which may be placed in freezer space, but not held there for a longer period of time than provided by this Order.

(9) "Ceiling inventory commodity" means any commodity or group of commodities designated by the Director which may not be stored in a refrigerated storage facility in any greater total quantity than designated by the Director.

(10) "Government agency" means (i) the Armed Services of the United States (excluding for the purpose of this order United States Army Post Exchanges, United States Navy Ships' Service Departments, and United States Marine Corps Post Exchanges); (ii) the War Food Administration (including, but not being restricted to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other agency designated by the War Food Administrator.

(11) "Storage month" means the period during which the monthly rate charged for the storage of each item or lot of commodities in storage is applicable. If an item or lot of commodities is stored on any basis other than monthly, the term "storage month" with respect to such item or lot of commodities shall mean the calendar month.

(12) "Director" means the Director of Distribution, War Food Administration.

(13) "Order Administrator" means the person designated by the Director to serve as Order Administrator pursuant to the provisions hereof.

(14) "Deputy Order Administrator" means the person designated by the Di-

rector to serve as Deputy Order Administrator pursuant to the provisions hereof.

(b) *Restrictions*. No person shall, after the effective date of this order, unless specifically authorized by the Director:

(1) Receive in storage or cause to be stored in a refrigerated storage facility, restricted commodities.

(2) Cause to be retained in storage in a refrigerated storage facility, restricted commodities.

(3) Hold, for a period in excess of seventy-two (72) hours from the time the reservation is made, storage space reserved by any person in a refrigerated storage facility, unless the person operating such facility is furnished with car numbers or copies of the bills of lading covering commodities which have been shipped to such facility by common carrier, or, when means of transportation other than common carrier are used, other adequate evidence that the commodities to be stored have been shipped or are otherwise enroute to such facility: *Provided*, That space may be held for the account of a Government agency for a period not to exceed seven (7) days from the date the reservation is made: *Provided, further*, That this paragraph (b) (3) shall not apply to the reservation of storage space for fruits and vegetables packed in the field and moving to the first refrigerated storage facility.

(4) Receive in freezer space or cause to be received therein excluded commodities for freezing or storage.

(5) Cause to be retained in freezer space, excluded commodities.

(6) Cause to be retained in freezer space for a period in excess of ten (10) days, limited storage commodities.

(7) Receive in storage in freezer space, or cause to be received therein, limited storage commodities which have previously been held in freezer space for a period of ten (10) days or more.

(c) *Restrictions as to length of storage*. No person shall, unless specifically authorized by the Director, cause to be stored or retained in storage in a refrigerated storage facility or facilities, any commodity for a period or periods in excess of a total of ten (10) months, nor shall any person receive in such facility any commodity which has been stored in a refrigerated storage facility or facilities for a period or periods in excess of a total of ten (10) months: *Provided*, That this paragraph (c) shall not apply to the storage in a refrigerated storage facility by or for the account of a Government agency.

(d) *Restrictions as to ceiling inventories*. No person operating a refrigerated storage facility shall, after September 15, 1944, unless specifically authorized by the Director, receive or retain in storage in such facility, ceiling inventory commodities in any greater total quantity than shall be designated by the Director.

(e) *Policy*. It is hereby declared to be the policy of the War Food Administration that, so far as feasible, in adjusting his operations to comply with the limitation prescribed in paragraph (d), the

person operating such facility shall give consideration to space occupied by such ceiling inventory commodities for the account of each person for whose account such commodities were stored in such facility during the preceding calendar year, to the end that an equitable division of available space may be made.

(f) *Exemption periods.* Such time for initial compliance with any provision or requirement of this Order, or any amendment thereof, or of any Order issued by the Director, shall be allowed as the Director may designate: *Provided*, That all persons shall comply immediately with any provision or requirement as to which no such allowance of time for initial compliance shall be designated by the Director.

(g) *Permits.* Upon application made to the Order Administrator, permits for the storage of commodities otherwise restricted, excluded, limited as to storage or subject to a ceiling inventory under this order may be issued. The Order Administrator may issue such permits consistent with the authority delegated to the Order Administrator by the Director, and when the issuing of such permits would be compatible with the purposes of this Order. Permits heretofore issued under War Food Orders No. 70 and No. 90 shall remain in effect until the expiration date stated in each such permit unless they shall be sooner terminated by the Order Administrator.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises of, or commodities held in storage by, any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order. (2) Every person operating a refrigerated storage facility shall, for at least one year (or for such period of time as the Director may designate), maintain an accurate record of transactions in regard to storage in such facility.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, WFO 111, Marketing Facilities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the au-

thority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (k) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance therewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(l) *Notification.* Every person operating a refrigerated storage facility shall:

(1) Within forty-eight (48) hours after the storage of any commodities within such facility shall be in violation of any provision of this order, notify in writing of this fact the person for whose account commodities are stored, and shall request him to remove such commodities immediately from storage.

(2) Not less than fifteen (15) days prior to the date of expiration with respect to any commodities of the ten (10) month period of storage permitted by paragraph (c), notify in writing the person for whose account such commodities are stored that he is required by this order to remove his commodities at the end of ten (10) months total storage in refrigerated storage facilities.

(m) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving or using facilities subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(n) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, in so far as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, WFO 111, Marketing Facilities Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(p) *Territorial extent.* This order shall apply only to the forty-eight (48) states of the United States, and the District of Columbia.

(q) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., September 2, 1944.

NOTE: All record-keeping requirements of this order have been approved by, and sub-

sequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 31st day of August 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-13402; Filed, Sept. 1, 1944;  
11:23 a. m.]

[WFO 111-1]

#### PART 1470—FOOD STORAGE FACILITIES

##### DESIGNATION OF RESTRICTED, EXCLUDED, LIMITED-STORAGE, AND CEILING INVENTORY COMMODITIES AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by War Food Order No. 111 dated August 31, 1944, and to effectuate the purposes of such order, it is hereby ordered as follows:

##### § 1470.6 *Restricted, excluded, limited-storage, and ceiling inventory commodities designated and reports required—*

(a) *Definitions.* The definitions contained in War Food Order No. 111 shall apply to this order, and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit.

(b) *Designation of restricted commodities.* The following are designated as restricted commodities:

1. All types of flour and dry cereals.
2. Beer, wines, and liquors.
3. Canned condensed milk.
4. Canned fish and canned shellfish in hermetically sealed containers, except frozen crabmeat and shrimp.
5. Canned fruits and vegetables except citrus concentrates.
6. Canned processed cheese.
7. Carter's spread.
8. Dried skim milk.
9. Dried whole milk in gas filled hermetically sealed containers.
10. Evaporated milk.
11. Peanuts in the shell.
12. Poultry packed in barrels or in baskets.
13. Sterile canned meats.
14. Nuts in the shell (other than peanuts) when stored in the following cities or within 20 miles of the corporate limits thereof:  
Baltimore, Maryland.  
Boston, Massachusetts.  
Buffalo, New York.  
Chicago, Illinois.  
Cincinnati, Ohio.  
Cleveland, Ohio.  
Dallas, Texas.  
Detroit, Michigan.  
Ft. Worth, Texas.  
Jersey City, New Jersey.  
Kansas City, Kansas.  
Kansas City, Missouri.  
Los Angeles, California.  
Milwaukee, Wisconsin.  
Minneapolis, Minnesota.  
Newark, New Jersey.  
New York City, New York.  
Norfolk, Virginia.

Omaha, Nebraska.  
Philadelphia, Pennsylvania.  
Portland, Oregon.  
St. Louis, Missouri.  
St. Paul, Minnesota.  
San Francisco, California.  
Seattle, Washington.  
Spokane, Washington.

(c) *Designation of excluded commodities.* The following are designated as excluded commodities:

1. Bones.
2. Cured meats (excluding sweet pickled and dry-cured).
3. Horse meat.
4. Lard (including rendered pork fat).
5. Lungs.
6. Oleo oil.
7. Rendered suet.
8. Tallow.
9. Udders.
10. Any commodities segregated into piles weighing less than 300 pounds, not including any such commodities stored by the owner in his own privately operated refrigerated storage facility.

(d) *Designation of limited-storage commodities.* The following are designated as limited-storage commodities:

1. Chitterlings.
2. Ears.
3. Fries.
4. Heads.
5. Hocks.
6. Kidneys.
7. Knuckles.
8. Melts.
9. Pigs feet.
10. Plucks.
11. Pork skins.
12. Pork tails.
13. Snouts.
14. Stomachs.
15. Tripe.
16. Veal tails and ox tails.

(e) *Designation of ceiling inventory commodities.* The following are designated as ceiling inventory commodities:

1. Frozen vegetables and frozen fruits (including frozen berries).
2. Packaged frozen fish.

(f) *Designation of maximum total quantity of ceiling inventory commodities.* The total quantity of ceiling inventory commodities lawfully held in each refrigerated storage facility on October 1, 1943, shall be the maximum total quantity which may be received or retained in such storage after September 15, 1944.

(g) *Exemption periods.* (1) A period of sixty (60) days after the effective date of this order shall be allowed in which to remove any commodity designated in item 12 of the list in paragraph (b) hereof now held in storage in any refrigerated storage facility.

(2) A period of fifteen (15) days after the effective date of this order shall be allowed in which to remove any commodity designated in item 10 of the list in paragraph (c) hereof now held in storage in freezer space.

(3) A period of thirty (30) days after the effective date of this order shall be allowed in which to remove any ceiling inventory commodities in excess of the maximum total quantity designated in paragraph (f) hereof, now held in storage in any refrigerated storage facility.

No. 176—3

(h) *Records and reports.* Any person operating a refrigerated storage facility shall report to the Order Administrator, WFO 111, Marketing Facilities Branch, Office of Distribution, War Food Administration, Washington 25, D. C., the following information:

(1) On Form 111-1, within fifteen (15) days after the effective date of this order, the total quantity in pounds now held in storage in such facility of all commodities designated in item 12 of the list in paragraph (b) hereof and the total quantity in pounds now held in freezer space in such facility of all commodities designated in item 10 of the list in paragraph (c) hereof.

(2) On Form 111-2, within six (6) working days after the first and fifteenth day of each month following the effective date of this order, the number of cubic feet of cooler space held between 30 and 50 degrees Fahrenheit, and of freezer space held at 29 degrees Fahrenheit or lower in such facility occupied for all purposes, as of the first and fifteenth day of each month.

(3) On Form 111-6, within six (6) working days after the first day of each month, a list of all commodities which have been stored in a refrigerated storage facility for a period of ten (10) months or longer, the quantity in pounds of each commodity and the name of the owner thereof, designating which items are so stored by authority of a permit issued by the Order Administrator and which items are stored in violation of War Food Order No. 111. This list shall include such commodities which are so stored by or for the account of a Government agency.

(4) On Form FDA 216, within six (6) working days after the first day of each month following the effective date hereof, the quantity of each commodity as designated thereon, held in such refrigerated storage facility as of the first day of each month.

(5) On Form 111-1, not later than September 15, 1944, the quantity of each ceiling inventory commodity as designated thereon, held in such refrigerated storage facility on October 1, 1943: *Provided*, That the reports required by this paragraph (5) need not be made if such information has been previously reported on Form FDA 216.

(6) In writing, within ten (10) days, not including Sundays, after giving notice of the storage of commodities considered in violation of any provision of War Food Order No. 111 to the person for whose account such commodities are stored, if such person so notified fails or refuses to remove such commodities. This report of failure or refusal to remove such commodities shall include the following information:

- (i) The quantity of each commodity so stored;
- (ii) The name of the owner thereof;
- (iii) The date on which the current storage month of each such commodity expires; and
- (iv) The provision of War Food Order No. 111, of which such storage is considered a violation: *Provided*, That the reports required by this paragraph (6)

need not be made with respect to violations which are required to be reported by paragraph (3) hereof.

(i) This order shall become effective at 12:01 a. m., e. w. t., September 2, 1944.

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

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 111)

Issued this 31st day of August 1944.

LEE MARSHALL,  
*Director of Distribution.*

[F. R. Doc. 44-13403; Filed, Sept. 1, 1944;  
11:23 a. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs

Subchapter L—Irrigation Projects, Operation and Maintenance

#### PART 130—ORDERS FIXING OPERATIONS AND MAINTENANCE CHARGES

##### WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

Section 130.86 of this order, as amended February 19, 1943, is hereby amended to read as follows:

§ 130.86 *Charges.* Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for 1945 and for each calendar year thereafter, until further notice, are hereby fixed as follows:

- (a) *Minimum charges.* For all tracts in non-contiguous single ownership, \$5.00.
- (b) *Flat rate.* Upon all farm units or tracts, for each assessable acre, \$1.75.
- (c) *Storage operation and maintenance.* For all lands with a storage water right, known as "B" lands, in addition to other charges per acre, \$0.20.

(38 Stat. 583; 39 Stat. 154; 45 Stat. 210; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,  
*Assistant Secretary.*

AUGUST 28, 1944.

[F. R. Doc. 44-13361; Filed, Sept. 1, 1944;  
9:42 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 215]

#### PART 810—PROGRAM LICENSES

##### REVOCATION OF CERTAIN PROGRAM LICENSES

*It is hereby ordered, That:* (1) All program licenses issued by the Foreign

sub C

Economic Administration, the Office of Economic Warfare, or the Board of Economic Warfare under the provisions of Part 810 of the regulations issued under the authority of section 6 of the Act of July 2, 1940, as amended, to any agency, and which are outstanding on the effective date of this order, shall be and the same are hereby revoked effective October 1, 1944; *Provided*, That any release certificate which has been issued prior to October 1, 1944 under the authority of any program license and which is valid and outstanding on October 1, 1944, shall continue to be valid to authorize the exportation of the commodities in the quantity and to the destination stated therein until the date on which such release certificate would normally expire if the program license under which it was issued had not been revoked.

(2) All release certificates which remain valid and outstanding on and after October 1, 1944, in accordance with the provisions of paragraph 1 of this order, shall be subject to amendment, extension, cancellation or revocation at any time by the Foreign Economic Administration.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 28, 1944.

S. H. LEBENSURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-13355; Filed, August 31, 1944;  
2:18 p. m.]

[Amdt. 216]

#### PART 810—PROGRAM LICENSES

##### REVOCATION OF PART

Subchapter B, *Export Control*, is hereby amended by deleting therefrom Part 810—*Program Licenses*.

This amendment shall become effective October 1, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 28, 1944.

S. H. LEBENSURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-13310; Filed, August 31, 1944;  
2:18 p. m.]

[Amdt. 217]

#### PART 802—GENERAL LICENSES

##### SPECIAL PROVISIONS FOR MEXICO

Section 802.10 *General license "GLV"* (9 F.R. 9043) is hereby amended in the following particulars:

1. By amending that part of paragraph (b) immediately preceding the first colon to read as follows:

(b) A general license designated "GLV" is hereby granted subject to the "Special provisions for Mexico" prescribed in paragraph (c) of this section:

2. By adding to said section paragraph (c) as follows:

(c) *Special provisions for Mexico.*

(1) Exportations to Mexico under the provisions of general license "GLV" are permitted only when such shipments are made in conformity with one of the following two conditions:

(i) The shipment is a "single shipment" as defined in paragraph (a) of this section, provided that such shipment is transported by a common carrier or is a mail shipment; or

(ii) If the shipment is not a mail shipment or is transported otherwise than by common carrier, not more than one such shipment may be made by or on behalf of the same exporter to or for the account of the same ultimate consignee during the same calendar week.

(2) Any person making an exportation to Mexico under this general license which is not a mail shipment and which is to be transported otherwise than by common carrier shall enter on his Shipper's Export Declaration covering such shipment a certification in the following form:

The undersigned certifies to the Foreign Economic Administration that the merchandise above described is the only shipment of the commodity (ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of general license "GLV" by the undersigned exporter to the consignee named herein during the current calendar week.

Signed

(3) Collectors of Customs are authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Foreign Economic Administration.

(4) In any case where the Collector of Customs determines that the limitations in sub-division (ii) of subparagraph (1) of this paragraph will create an unnecessary hardship or that an emergency exists in a particular case he is authorized to permit more than one such shipment per calendar week under this general license provided that the value of each such shipment does not exceed the

value limitations set forth in paragraph (b) of this section.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320; Delegation of Authority No. 55, 9 F.R. 7512)

Dated: August 21, 1944.

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

[F. R. Doc. 44-13311; Filed, August 31, 1944;  
2:19 p. m.]

[Amdt. 218]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS; PORK

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

In the column headed "General License Group" the group and country designations assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Pork, pickled or salted other than bacon, hams, shoulders or Cumberland and Wiltshire sides.....	0032.00	None

Shipments of the above commodity which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. This amendment shall become effective September 1, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 29, 1944.

S. H. LEBENSURGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-13312; Filed, August 31, 1944;  
2:19 p. m.]

[Amtd. 219]

**PART 809—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO FRENCH POSSESSIONS IN THE PACIFIC (INCLUDING NEW HEBRIDES)**

Subchapter B—*Export Control* is hereby amended by adding thereto Part 809 as follows:

Sec.

- 809.1 Applicability.
- 809.2 Non-applicability.
- 809.3 Booking.
- 809.4 Form of statement of cargo availability.
- 809.5 Filing procedure.

**AUTHORITY:** §§ 809.1 to 809.5, inclusive, issued under sec. 6, 54, Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361; 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320.

**§ 809.1 Applicability.** The regulations prescribed in § 809.3 to § 809.5 inclusive, apply to exportations of all commodities set forth in § 801.2 of this subchapter under any type of export license to be made by sea freight to any of the following destinations:

**French Oceania:**

Clipperton Island.  
Gambier Island.  
Marquesas Island.  
Raiatea Island.  
Society Island.  
Tahiti.  
Tuamotu.  
Tubuai.

New Hebrides (British and French Condominium).

New Caledonia: Including—Loyalty Islands, Wallis Archipelago.

**§ 809.2 Non-applicability.** None of the regulations of this part shall apply to liquid commodities licensed for export to be shipped in bulk by tanker, or to commodities to be exported under general license "GUS".

**§ 809.3 Booking.** No shipment of any commodity or commodities for which a license has been issued permitting the exportation thereof may be booked for shipment by or with a steamship company or exported to any destination listed in § 809.1 unless:

(a) The exporter or his agent has submitted a statement of cargo availability covering such shipment on the form and in the manner prescribed by these regulations.

(b) The shipment has been certified for booking with a steamship company by the Division of Cargo Control, War Shipping Administration.

(c) The shipment has been transported to or within the port area from which the shipment is to be made pursuant to an effective unit permit issued by or under the authority of the Office of Defense Transportation, unless such unit permit is not required for the movement of the particular shipment; and

(d) The shipment has been booked with a steamship company within ninety (90) days after the date such shipment has been certified for booking by the Division of Cargo Control, War Shipping Administration and such booking has

been approved by the Division of Cargo Control, War Shipping Administration. In the case of commodities which, because of their bulk or the necessity for special handling, require special consideration with respect to the period of movement, the provision that such shipment shall be booked with a steamship company within such ninety (90) day period shall not apply. If the shipment has been booked with a steamship company within ninety (90) days after the statement of cargo availability has been certified for booking, the actual date of loading aboard a vessel may take place after such ninety (90) day period.

**§ 809.4 Form of statement of cargo availability.** A statement of cargo availability shall be made on Form FEA-138 in accordance with the instructions for use of such form as prescribed by the Requirements and Supply Branch. All provisions, instructions, terms and conditions contained in Form FEA-138 are hereby incorporated as a part of the regulations in this subchapter, except insofar as inconsistent with the provisions of the regulations in this part, in which event the regulations in this part shall govern.

**§ 809.5 Filing procedure—(a) Who may file.** Any person to whom an export license has been granted or his agent may file statements of cargo availability. Any person authorized to export under a general license or the agent of any such person may file statements of cargo availability.

(b) *Where to file.* Statements of cargo availability (Form FEA-138) shall be filed with the War Shipping Administration, Division of Cargo Control, 220 Bush Street, San Francisco, 4, California.

(c) *Preparation of statements of cargo availability.* (1) A separate statement of cargo availability may be submitted for each part of a licensed exportation as such part becomes ready for shipment.

(2) Where the applicant desires to ship a number of commodities destined to one or more ultimate consignees, or purchasers from one or more licensees (or one or more exporters in the case of commodities moving under general license), and the shipment is made by a single consignor to a single consignee, one consolidated statement of cargo availability may be filed.

(3) If the proposed shipment includes commodities moving under individual license or licenses, and also includes commodities moving under general license or licenses, separate statements of cargo availability may be filed for the commodities moving under individual license and the commodities moving under general license.

(4) Where the statement of cargo availability is for commodities to be shipped under general license, the general license number shall be placed in the blank space requiring a license number.

(5) In answer to the question pertaining to gross weight and cubic measurement (if shipped on a measurement basis) an approximation may be made if exact figures are not ascertainable.

(6) The description of the commodities shall be stated in the same terms required for description of commodities in applications for individual licenses.

(7) No statement of cargo availability for commodities under general license shall be submitted unless and until the applicant has a firm order for the commodities covered by the statement from the purchaser stated therein.

(8) Whenever a statement of cargo availability is required in connection with any shipment proceeding under a general in transit license, the spaces in the application form for the name and address of the consignor shall contain the name and address of the original consignor in the foreign country and the name and address of the United States shipper or forwarder.

This amendment shall become effective September 1, 1944.

Dated: August 31, 1944.

S. H. LEBENSBERGER,

Director,

Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-13313; Filed August 31, 1944; 2:19 p. m.]

**Chapter IX—War Production Board**

**Subchapter B—Executive Vice-Chairman**

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

**PART 1029—FARM MACHINERY**

[Limitation Order L-257-a, as Amended Aug. 31, 1944]

**EXPORTS**

**\* § 1029.16 Limitation Order L-257-a—**

(a) *What this order does.* This order describes the rules governing the manufacture for export of machinery and equipment (both farm and non-farm) and repair parts, and supplements Limitation Order L-257 covering domestic production. All general provisions of the domestic order, such as definitions and rules for production schedules, will apply to producers for export under this order, unless this order indicates otherwise. It is expected that this order L-257-a will be the basic export order from year to year, but that "applicable export schedules" of quotas will be issued for each "current quota period", just as explained in Order L-257 for domestic quotas. It may be assumed that the applicable export schedules in effect at any particular time will continue into the next "current quota period", until such time as new schedules are issued.

(b) *Additional definitions.* The definitions of Order L-257, unless otherwise indicated in this order, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD-388) of farm machinery and equipment and

repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on an applicable export schedule.

(2) "Lend-Lease order" means any order for machinery and equipment (both farm and non-farm) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Applicable export schedule" means any schedule which relates to a current quota period and fixes manufacturing quotas for the foreign country or countries listed for that period.

(c) *Restrictions on production for export*—(1) *General export quotas (except Canada)*. During any current quota period, no producer shall manufacture for shipment, or ship, to foreign countries more machinery and equipment (both farm and non-farm) and repair parts than his quota for the particular country or countries, as indicated on the applicable export schedule. Where countries are listed on an applicable export schedule as a group with only one quota percentage, the producer's quota for all countries in the group as a whole is the listed percentage of his base shipments to those countries. Where countries are listed individually with separate quota percentages, the producer's quota for each country is the applicable percentage of his base shipment to that country. Where the quota percentage is 0% for any country or group of countries listed, or where a particular foreign country is not listed at all, shipments can be made only by getting a special quota under paragraph (c) (4). These special quotas will be given only as the need arises.

Each export quota for a country or group of countries (except Canada) is an over-all tonnage, which the producer can divide up among farm machinery and equipment, non-farm machinery and equipment, and repair parts, as he chooses.

Exceptions to these general rules are stated in paragraph (d).

(2) *Canadian quotas*. During any current quota period, no producer shall manufacture for shipment to Canada more of any item of farm machinery and equipment (in units) or attachments (by weight) than his quota as indicated on the applicable export schedule. For each item of farm machinery and equipment (excluding attachments) the producer's quota is half the number of that item (in units) shipped by him to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. (Non-farm machinery and equipment is not included in the above quotas and may not be shipped to Canada.)

For each item of attachments, the quota is half the net shipping weight of that item shipped by the producer to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. However, the producer may choose to lump all attachments as explained in paragraph (d) (3).

There is no quota limitation on the manufacture of repair parts for Canada. However, it is necessary to comply with paragraph (e) with respect to production schedules.

Exceptions to these general rules are stated in paragraph (d).

(3) *Special restrictions*. No producer shall manufacture for shipment, or ship, to any foreign country (including Canada):

(i) Any item of farm machinery and equipment requiring rubber tires except the following items:

Wheel type tractors including garden type.  
Combines.  
Pick-up hay balers and field hay harvesters.  
Corn pickers.  
Power sprayers over ten gallons per minute.  
Any item requiring tires to be mounted on wheel rims of the following sizes (diameter): 15", 16", 18", 20" and 21".

(ii) Any item of farm machinery and equipment or repair parts except to the extent listed on an approved production schedule under paragraph (e).

(4) *Adjustments in quotas*. The War Production Board may, by specific written directions or authorizations issued to any producer or other person affected by this order, increase or decrease any export quota or authorized use of materials; and may transfer any portions of quotas between producers, taking into account the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be proper.

(d) *Exceptions*—(1) *Production before or after current quota periods*—(i) *Advance planning of production*. Before the beginning of any current quota period, producers may plan their advance production for export as explained for domestic production in subparagraph (d) (5) (i) of Order L-257.

(ii) *Carry-over of uncompleted portions of quotas*. Any portions of export quotas under an applicable export schedule (including all amendments, appeals and specific authorizations) which are not completely manufactured by the end of the current quota period, may be carried over and added to the corresponding quotas of the next current quota period, but only to the extent that the particular items are covered by an export license or release certificate issued by or under authority of the Foreign Economic Administration, or by a Lend-Lease order, dated before July 1 of this next period. However, items for Canada may be carried over to the extent that they can be completed by July 31 of this next period. In addition, uncompleted quotas for the following items of harvesting machinery and equipment for Canada under Export Schedule X-10 (including special authorizations, etc.) may be carried over for completion any time before September 30, 1944:

Combines (Item 126 only).  
Corn binders (Item 132).  
Corn pickers (Items 133-136).

Field ensilage harvesters (Item 137).  
Corn shellers (Items 166 and 167 only).  
Feed grinders and crushers (Items 174, 175, and 175a only).  
Portable elevators (Item 188).

(iii) [Deleted July 10, 1944.]

(2) *Bracketed items for Canada*. Wherever, in an applicable export schedule for Canada, two or more items are bracketed together, the producer may distribute his total quota (in units) for that bracket among all the items in that bracket, as set forth for domestic items in paragraph (d) (2) of Order L-257.

(3) *Attachments for Canada*. Any producer may choose not to follow the individual quota percentages for attachment items for Canada as indicated on the applicable export schedule, and instead manufacture up to 100% of half his total 1940 and 1941 shipments of all attachments (by weight) to Canada, under the terms set forth for domestic attachments in paragraph (d) (3) of Order L-257.

NOTE: The over-all quota for attachments under Schedule X-10 is 75%.

(e) *Production schedules*. Each producer who is not a "small producer" must have available for shipment export the quantities of items of machinery and equipment (both farm and non-farm) and repair parts as indicated on his production schedules which have been filed and approved in accordance with paragraph (e) of Order L-257. All provisions of that paragraph apply to production schedules for export, unless otherwise indicated. However, any item manufactured for export, whether for an O. E. W. country or Lend-Lease country (excluding Canada), may be shipped to any foreign country (except Canada) regardless of the schedule filed on Form WPB-3053 or WPB-3181, *Provided*, That the total shipments to any country or group of countries during the current quota period must not be more than the quota for that country or group of countries established under this order. Shifts of this nature do not have to be reported on Form WPB-3181.

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

(g) *Reports*. Each producer must file by the 10th day of each month a report on Form WPB-813 of his export shipments to all foreign countries (except Canada) during the previous month in accordance with the instructions on the form. However, producers whose total export quota for all countries, except Canada, is 15,000 pounds or less for any current quota period, need not file this form.

(h) *Communications*. All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C., Ref.: L-257-a.

NOTE: This reporting requirement has been approved by the Bureau of the Budget

In accordance with the Federal Reports Act of 1942.

Issued this 31st day of August 1944.

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

NOTE: Export Schedules X-1 through X-10 deleted August 31, 1944, since they expired June 30, 1944. Any export quotas under those Schedules which are not completed within the "carry-over" provisions of paragraph (d) (1) (ii) or L-257-a are cancelled.

[F. R. Doc. 44-13332; Filed, August 31, 1944; 4:15 p. m.]

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

[Priorities Reg. 11B, as Amended Sept. 1, 1944]

#### PREFERENCE RATINGS FOR MANUFACTURERS NOT OBTAINING PRODUCTION MATERIALS UNDER THE CONTROLLED MATERIALS PLAN

##### § 944.32b Priorities Regulation 11B—

(a) *Purpose and scope.* The purpose of this regulation is to provide priorities assistance in obtaining production materials for the manufacture of products other than Class A or Class B products. The use of this regulation in obtaining priorities assistance is optional. Persons who can get production materials without ratings should not apply for priorities assistance. A manufacturer of a Class A or a Class B product cannot use this regulation to get priorities assistance to buy production materials needed for the manufacture of a Class A or a Class B product.

(b) *Definitions.* For purposes of this regulation:

(1) "Unclassified product" means any product which is neither a controlled material, a Class A product, nor a Class B product, as those terms are defined in CMP Regulation No. 1.

(2) "Production material" means, with respect to any person, material or products (including fabricated parts and sub-assemblies) which will be physically incorporated in his unclassified product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes items purchased by a manufacturer for resale to round out his line if such items do not represent more than 10 percent of his total sales. The term "production material" does not include manufacturing equipment or maintenance, repair or operating supplies as defined in CMP Regulation No. 5.

(c) *Applications for priorities assistance for production of unclassified products—(1) Application on Form WPB-2613.* Any person who produces unclassified products and needs priorities assistance to obtain production materials may file an application on Form WPB-2613. The application must not be based on a rate of production greater than that permitted under the restrictions of existing Limitation Orders or other applicable orders or regulations of the War Production Board.

The application must show all production materials (including products to

round out a line) for which priorities assistance is requested. If an applicant desires priority assistance for materials where under an order or regulation of the War Production Board specification of quality and quantity must be shown, (for example, M-328—"Textiles, Clothing, Leather and Related Products"), the applicant must describe the material on the application form in sufficient detail to meet the requirements of the order or regulations before priorities assistance will be granted.

(2) *Applications under Priorities Regulation 25.* If a person wants to produce unclassified products covered by orders in which reference is made to Priorities Regulation 25, or which are listed on a direction to that regulation, he may apply for authorization as explained in Priorities Regulation 25.

(d) *Holders of Form WPB-2613 prohibited from extending customers' ratings.* A person who has received a rating or ratings on Form WPB-2613 or CMPL-150c for production materials for a specified product shall not extend ratings received from his customers to purchase production materials for the same product during the quarters covered by the form except that:

(1) Orders calling for delivery in the same quarter which have already been rated in accordance with applicable regulations or orders of the War Production Board need not be rerated, and

(2) A rating of AAA may be extended where necessary to obtain production material actually required to fill an order rated AAA, if such material is not actually on hand, but the rating may not be extended to replace inventories, and

(3) A rating may be extended to get cotton textiles as defined in Order M-317 required for direct or ultimate delivery or for incorporation into any material for ultimate delivery to the Army or Navy of the United States, the Maritime Commission, or the War Shipping Administration.

##### (e) *Authorized production schedules.*

(1) Every assignment of rating on Form WPB-2613 or CMPL-150c will include authorization of a production schedule for the product for which the production materials are required. The authorization will set a maximum limit of production for the quarter.

(2) No producer who has received any rating on Form WPB-2613 or CMPL-150c shall produce the product covered by the form in an amount exceeding his authorized production schedule.

(3) A producer shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling or otherwise processing, or acquiring raw materials or parts exceeds the practicable working minimum required to meet the authorized production schedule.

(e-1) *Restrictions on use of ratings.* No rating assigned on form WPB-2613 may be used to buy any production material not listed on the form, nor may it

be used to buy any item shown on List A of Priorities Regulation No. 3.

(f) *Miscellaneous provisions—(1) Applicability of other regulations and orders.* This order and all transactions affected hereby are subject to all applicable regulations and orders of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this regulation, or who, in connection with this regulation, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine up to \$10,000, or by imprisonment or both. In addition, such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All applications filed hereunder, and all communications concerning this regulation, shall, unless otherwise directed, be addressed to the War Production Board, Washington 25, D. C., Ref.: Priorities Regulation No. 11B.

Issued this 1st day of September 1944.

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

#### INTERPRETATION 1

The term "production material" in paragraph (b) (1) includes material which, at any stage of production, enters into the chemical reaction necessary to the manufacture of an unclassified product. It also includes any material which is used as a solvent, wash or extractant at any stage of the production of chemicals. (Issued June 16, 1943.)

[F. R. Doc. 44-13404; Filed, Sept. 1, 1944; 11:27 a. m.]

#### PART 1081—ELECTRIC POWER

[Limitation Order L-46, Revocation]

Section 1081.1 *Limitation Order L-46* is revoked. This revocation does not affect any liabilities incurred under the order.

Issued this 1st day of September 1944.

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

[F. R. Doc. 44-13401; Filed, Sept. 1, 1944; 11:28 a. m.]

#### PART 3289—RADIO AND RADAR

[General Limitation Order L-151, as Amended Sept. 1, 1944]

##### DOMESTIC WATTHOUR METERS

§ 3289.11 *General Limitation Order L-151—(a) Definition.* Wherever it appears in this order, the term "domestic watthour meter" is used to mean any device designed and manufactured for the purpose of measuring the consump-

tion of electrical energy with respect to time, and includes single phase, two and three wire types, with capacities up to 25 amperes and voltages up to 240 volts, for use on alternating current of any frequency. The term does not include electric energy meters for use on direct current or on polyphase circuits, maximum demand meters, or integrating meters, calibrated in terms other than electric energy (i. e., meters integrating weight, pressure, etc.).

(b) *Restrictions on production.* (1) No person shall manufacture or assemble any new domestic watt-hour meters or any new parts for the conversion of domestic watt-hour meters from one to another type, except as authorized by the War Production Board on Form GA-1850.

(2) The above provision in paragraph (b) (1) does not prohibit the use or delivery of existing parts for the conversion of domestic watt-hour meters from one to another type, such as the conversion of non-socket to socket type meters, three-wire to two-wire or two-wire to three-wire meters, or meters from one current rating to a higher current rating.

(3) A person wishing to manufacture domestic watt-hour meters or conversion parts, should apply for authorization by letter addressed to the War Production Board, Radio and Radar Division, Washington, 25, D. C., Reference L-151. This letter should give all pertinent information with respect to proposed production. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by application on Form CMP-4B, for the controlled materials.

(4) Production will be authorized for the several manufacturers as nearly as practicable according to ratios comparable to the pre-war ratios of the several companies. Production will be so authorized that the total production will not exceed the approved War Production Board program, and the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant, or in any other plant located in the same area. Individual authorizations will be issued in amounts sufficient to carry out the presently approved program of 260,000 domestic watt-hour meters for the last six months of 1944, and any other program which may be approved later by the War Production Board.

(c) *Restrictions on delivery.* No person shall deliver or accept delivery of any new domestic watt-hour meter unless it is a delivery:

(1) To or for the account of the Army, Navy, Maritime Commission or War Shipping Administration.

(2) Between persons who own or operate electric power utilities which serve the public generally.

(3) Authorized by the War Production Board on Form WPB-1319. Any prospective purchaser may apply for such an authorization by filing Form WPB-1319 in accordance with the current instructions for filing such forms. These form applications should be filed with the nearest Utility Inventory Control Office

of the War Production Board, addressed to the attention of the Regional Utility Engineer. The locations of these Regional Utility Inventory Control Offices are given on List A at the end of this order. As a general rule, favorable consideration will be given to the purchase of new domestic watt-hour meters only where one or more of the following factors appear to establish the need for them:

(i) The meters are to measure the consumption of electric energy by individual homes in a war housing project, which cannot be metered with a master meter, and delay in obtaining individual used meters would delay the occupancy of such dwellings.

(ii) The meters are required for the replacement in service of damaged meters, and the applicant cannot obtain prompt delivery of used meters for that purpose, and does not have such meters available in his own inventory for replacements.

(iii) Special or emergency conditions require the prompt delivery of new meters.

Unless one of the above conditions exists, a prospective purchaser should obtain his requirements of domestic watt-hour meters from such sources of supply as the excess inventories of electric utilities, used meter dealers, and meter repair shops. Information as to excess stocks of such meters in the hands of utilities may be obtained from Regional Utility Inventory Control Offices (See List A at the end of this order).

(d) *Parts for maintenance or repair.* The provisions of paragraphs (b) and (c) of this order on production and delivery do not apply to the production or repair of domestic watt-hour meters. No person, however, shall manufacture so many of such parts that his inventory thereof will at any time exceed his average monthly inventory of such parts during the calendar year 1941.

(e) *Monthly reports.* On or before the tenth day of each calendar month each manufacturer of domestic watt-hour meters shall file with the War Production Board a report, in duplicate, in letter form, which shall show the following information as of the first of the month:

(1) Inventory of domestic watt-hour meters.

(2) Deliveries of domestic watt-hour meters during the preceding calendar month.

(3) Unfilled orders on hand for domestic watt-hour meters.

(f) *Applicability of War Production Board regulations and orders.* This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board.

(g) *Violations and penalties.* Any person who wilfully violates any provision of this order, or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment; or any such person may be deprived of any or all priorities assist-

ance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(h) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture or assemble more new domestic watt-hour meters or new parts for the conversion of domestic watt-hour meters from one to another type than have been authorized on Form GA-1850 (including a person who has no such authorization), and any person who wants to manufacture more parts than he is permitted by paragraph (d) (including a person who did not make parts in 1941) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (b) (3) of this order if he desires.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraphs (b) (1) or (d) should be made by writing a letter which explains fully what provisions the person is appealing from and why he thinks he should be relieved from those provisions. He should send this letter with two signed copies, to the War Production Board. No appeal should be filed from the provisions of paragraphs (b) (1) or (d), because applications for relief under those paragraphs are handled in the ways described in paragraphs (b) (3) and (h) (1) of this order.

(i) *Letters and reports.* Letters about this order, or reports filed under it, should be addressed to the War Production Board, Washington 25, D. C., Ref: L-151; and the reports required by paragraph (e) of the order should be addressed to the attention of the Office of War Utilities. All other letters or reports, however, should be addressed to the attention of the Radio and Radar Division. All reports and forms required by this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 1st day of September 1944.

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

LIST A—ADDRESSES OF REGIONAL UTILITY  
INVENTORY CONTROL OFFICES

17 Court St., Boston, Mass.  
350 Fifth Ave., New York, N. Y.  
1617 Pennsylvania Boulevard, Philadelphia, Pa.  
116 Candler Building, Atlanta, Ga.  
800 First National Bank Building, Pittsburgh, Pa.  
226 West Jackson Boulevard, Chicago, Ill.  
Mutual Interstate Building, Kansas City, Mo.  
1221 Mercantile Bank Building, Dallas, Tex.  
Continental Oil Building, Denver, Colo.  
1031 South Broadway, Los Angeles, Calif.

7310 Woodward Ave., Detroit, Mich.  
334 Midland Bank Building, Minneapolis, Minn.  
Bedell Building, Portland, Oreg.

[F. R. Doc. 44-13406; Filed, Sept. 1, 1944;  
11:27 a. m.]

#### PART 3302—SERVICE EQUIPMENT

[Limitation Order L-54-a, as Amended Sept. 1, 1944]

##### TYPEWRITERS

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

§ 3302.6 *Limitation Order L-54-a—*  
(a) *Definitions.* For the purpose of this order:

(1) "Manufacturer" means any person manufacturing typewriters, including sales and distribution outlets controlled by such a person.

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

(3) "Importer" means any person who imports typewriters into the United States for sale and distribution in the United States.

(4) "Typewriter" unless expressly otherwise stated, means non-portable and portable typewriters (including noiseless and electric types), and unless expressly otherwise stated, refers only to new typewriters. The term shall not include: billing machines (accounting principle); continuous forms handling machines, typewriter principle, having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; telegraphically controlled typewriters; braille typewriters; toy typewriters; office composing machines, linotype machines or monotype machines. The term "new typewriters" means any typewriter which has never been delivered to a person acquiring it for use. This does not include rebuilt typewriters.

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

(6) "Repair parts" means typewriter parts produced by a manufacturer to use or sell for repairing and servicing of typewriters.

(b) *Restrictions on production.* Manufacturers may produce typewriters or sets of parts only in accordance with written instructions from the War Production Board. Production will be authorized so that the total production will not exceed the approved War Production Board program and so that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant or in any other plant located in the same area.

(c) *Restrictions on delivery.* Manufacturers may deliver new typewriters only to persons who are authorized by the War Production Board in writing to receive them. Importers may deliver imported new non-portable typewriters only to persons who are authorized in writing to receive them. Persons who want authorization to receive new typewriters for export should submit Form WPB-1319 to the Foreign Economic Administration, Washington 25, D. C. Non-military agencies of the United States Government which want authorization to receive new typewriters should submit Form WPB-1319, to the Procurement Division of the United States Treasury. All other non-military applicants should submit Form WPB-1319 to the nearest field office of the War Production Board. Instead of using Form WPB-1319, the Army of the United States, the Navy of the United States, and the United States Maritime Commission should continue to use the same method of requesting authorization to receive new typewriters which they were using when this order was amended on May 15, 1944.

Applications on Form WPB-1319 should be made in accordance with the official instructions for the use of the form. These instructions can be obtained from any War Production Board office. In the alternative, until June 1, 1944, applications may be submitted to the War Production Board at Washington on Form WPB-1688 instead of Form WPB-1319. These forms of application have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

When a person has been authorized to receive delivery of a new typewriter, the manufacturer or importer of the typewriter may make delivery to him either directly or through a dealer.

In the past the delivery of second-hand typewriters and some new typewriters has been controlled by the Office of Price Administration. Control of deliveries of new typewriters owned by dealers, and of deliveries of all second-hand typewriters, including rebuilt typewriters, has been discontinued. Deliveries of new typewriters by manufacturers will continue to be controlled by the orders of the War Production Board instead of the orders of the Office of Price Administration.

(d) *Sequence of deliveries.* Regardless of Priorities Regulation No. 1, when authorized pursuant to the preceding paragraph, deliveries of each model of typewriter must be made in the order indicated by the delivery dates specified in the approval forms or other authorizations, unless the War Production Board specifically tells a manufacturer or importer in writing to do something else. If a manufacturer or importer receives two or more authorizations requesting the same delivery date for the same model of typewriter, and cannot make all deliveries on time, he must deliver them in the order in which the authorizations were received by him. If an authorization requests delivery before the date on which the authorization is received by the manufacturer or importer, the order must be treated as if the de-

livery date requested was the day when the authorization was received by the manufacturer or importer.

(e) *Shipment of sets of parts by manufacturers.* Manufacturers may ship sets of parts to foreign countries only in accordance with written instructions from the War Production Board. Those who wish to make such shipments may apply by letter to the War Production Board for authorization to do so.

(f) *Inventories of repair parts.* No manufacturer may produce more repair parts than he needs to produce in order to maintain a practicable minimum working inventory of them. This is the only restriction in this order which applies to repair parts.

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

(h) *Applicability of regulations.* This order and all transactions affected thereby, are subject to all applicable regulations of the War Production Board, as amended from time to time, with the exception of those provisions of Priorities Regulation No. 1 inconsistent with paragraph (d).

(i) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to produce more typewriters or sets of parts than he has been authorized to produce under paragraph (b) (including a person who has not been authorized to produce typewriters or sets of parts under this order), may apply for permission to do so as explained in Priorities Regulation 25. The restrictions on delivery contained in paragraphs (c), (d) and (e) continue to apply to typewriters and sets of parts authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraph (b), may be made by filing a letter with the War Production Board, Washington 25, D. C., Ref: L-54a, referring to the pertinent provisions of the order and stating fully the grounds for the request. No appeal should be filed from the restrictions of paragraph (b).

(j) *Communications.* All communications concerning this order should be addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-54-a.

Issued this 1st day of September 1944.

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

[F. R. Doc. 44-13407; Filed, Sept. 1, 1944;  
11:27 a. m.]

## PART 3302—SERVICE EQUIPMENT

[Limitation Order L-190, as Amended Sept. 1, 1944]

## SCALES, BALANCES AND WEIGHTS

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

## § 3302.21 Limitation Order L-190—

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

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

(2) "Scales" means devices used for weighing persons, materials, objects or substances, or for grading, classifying, counting or evaluating materials, objects or substances in terms of weight, or the measuring of forces expressed in terms of weight. The term includes scales, balances, attachments, and weights.

(3) "Weights" means objects of established weight used in connection with the operation of scales and necessary to the operation or testing thereof.

(4) "Scales for household use" includes all scales commonly used for household purposes except dietetic scales graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician and baby weighing or nursery scales.

(5) "New" scales are all scales other than those which have been used, or sold, rented or lent for the purpose of being used; except that scales which have been used solely for demonstration, trial loans or emergency repair loans are "new" scales.

(6) "Emergency repair loan" means the temporary leasing or lending of a scale to replace a similar scale while the latter is being repaired.

(7) "Class One scales" means coin-operated person weighing scales, spring type scales equipped with postal charts and having a retail list price of five dollars or less, and scales for household use, including bathroom scales and kitchen scales.

(8) "Class Two scales" means person weighing scales for clinical use and baby weighing or nursery scales.

(9) "Class Three scales" means mailing and parcel post scales, except spring type scales equipped with postal charts and having a retail list price of \$5.00 or less.

(10) "Class Four scales" means all scales other than those in Class One, Class Two, Class Three, Class Five, Class Six or Class Seven.

(11) "Class Five scales" means egg grading scales, milk scales, cotton beam scales, cotton spring scales, and grain sampling, grading, and testing scales.

(12) "Class Six scales" means dietetic scales, graduated in the metric system,

for personal use by a person whose diet is regulated by a licensed physician.

(13) "Class Seven Scales" means cylinder type scales, fan type scales, hanging scales, and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers.

(b) *Restrictions on production.* (1) No person shall fabricate parts for new Class One scales or assemble new Class One scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Two scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(3) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Three scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(4) No person engaged in the manufacture of scales shall increase his inventory of new scales in Class Four if that inventory following such increase will exceed one-twelfth of the total number of such scales billed by him to customers during the calendar year of 1941.

(5) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Five scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(6) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Six scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(7) During the calendar year of 1944, and during each subsequent calendar year, no person may fabricate or assemble a total dollar value of new Class Seven scales in excess of two-fifths of the total dollar value of such scales billed by him to customers during the calendar year of 1941.

(c) *Restrictions on transfer.* (1) No person shall sell any new Class Three, Class Four or Class Five scales to fill any order for such scales in an amount of \$50.00 or more, except orders to which the purchaser has applied or extended a preference rating assigned for that purpose on Form WPB-2581, Form WPB-1319 or Form GA-1456. Any person placing such an order amounting to \$50.00 or more shall certify, in substantially the following form, that the pref-

erence rating applied or extended was issued on one of those forms.

The undersigned purchaser represents to the seller and to the War Production Board that the rating of ----- applied or extended to this purchase order was issued on.

The person receiving this certification shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(2) No person shall rent or lend any new Class Three, Class Four or Class Five scales to fill any order for such scales in any amount, except orders to which the person placing the order has applied or extended a rating assigned for that purpose on Form WPB-2581, Form WPB-1319 or Form GA-1456. Any person placing such an order shall put on his order the certification provided in paragraph (c) (1) of this order and the person receiving the certification shall be entitled to rely thereon unless he knows or has reason to believe it to be false.

(3) No person shall sell any new Class Three scales to fill any order for such scales in an amount over \$5.00 and less than \$50.00, except orders rated AA-5 or higher.

(4) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over \$5.00 and less than \$50.00, placed by a person intending to use such scales on a farm, except orders supported by farmers' certificates under Priorities Regulation 19 and orders for which purchase certificates were issued by a County Farm Rationing Committee before September 1, 1944.

(5) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over \$5.00 and less than \$50.00, placed by a person intending to use such scales elsewhere than on a farm, except orders rated AA-5 or higher.

(6) No person shall sell a new Class Four or Class Five scale having a retail list price of more than \$5.00 to a person intending to resell it, except to fill orders rated AA-5 or higher. Scales having a retail list price of \$5.00 or less may be sold without ratings to persons buying them in amounts less than \$50.00 for resale.

(7) No person shall sell any new Class Two or Class Six scales to any person acquiring such scales for personal or family use except to fill the prescription of a licensed physician.

(8) The restrictions of paragraphs (c) (1) to (c) (6), inclusive, of this order shall not apply to an emergency repair loan of new scales when no used scales are available for such use, or to the selling, renting or lending of any scales which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144, as amended.

(d) *Applications on Form WPB-1319 and WPB-2581.* Through August 31,

1944, applications for preference ratings must be made on Form WPB-2581. Beginning September 1, 1944, application must be made on Form WPB-1319, filled out in accordance with the official instructions for the use of the form, and submitted to the nearest field office of the War Production Board. These instructions can be obtained from any War Production Board office. These forms of application have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[Paragraphs (d) through (e) redesignated (e) through (m) Aug. 31, 1944.]

(e) *Repair and maintenance parts.* (1) No person shall produce any repair or maintenance parts for scales for household use except parts to be used for rebuilding used commercial scales into baby weighing scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person shall fabricate a quantity of parts for repair and maintenance of scales which contains, when finished, a total weight of metals greater than 150% of the total weight of metals in the parts (exclusive of those for scales for household use) used or sold by him for repair and maintenance of scales during the calendar year of 1941.

(f) *Restrictions on types, sizes and materials.* (1) So far as any other order of the War Production Board may have the effect of limiting or curtailing the use of any material in any scales or parts thereof to an extent greater than herein provided, the limitations of such order shall be observed.

(2) No manufacturer shall assemble scales equipped with poises, weighbeams, pans, scoops or commodity receivers of copper or copper base alloys. This restriction does not apply to type bars, to scales sensitive to a weight of one centigram or less, or to racks, pinions and rollers for registering poises.

(3) After a period of sixty days following October 10, 1942, no manufacturer may fabricate weights of copper or copper base alloys if such weights are of denominations of 20 grams (metric) or ½ ounce (avoirdupois) and over. This restriction does not apply to weights of classes A, B, M, S, and S2 as defined and recognized by the National Bureau of Standards.

(4) The War Production Board may from time to time issue schedules establishing simplified practices with respect to the types, sizes, forms, materials and specifications or other qualifications for scales. After the effective date of any such schedule no scales shall be fabricated, or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

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

amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, orders for scales must be certified in accordance with paragraph (c) of this order, as well as in accordance with the requirements of that regulation.

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

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

(j) *Reports.* (1) Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, all persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(2) Each manufacturer and each distributor of scales must file form WPB-3495 monthly in accordance with the instructions thereon. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(l) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to fabricate, assemble or produce scales or repair or maintenance parts for scales which he is not permitted to make under paragraphs (b) or (d) (including a person who wants to make more than permitted by those paragraphs) may apply for permission to do so as explained in Priorities Regulation 25. The transfer and specification restrictions of paragraphs (c) and (e) apply to production authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (b) and (d), shall be made by letter to the War Production Board, Washington 25, D. C., Ref: L-190, referring to the particular provision appealed from and stating fully the grounds of the appeal. No appeal should be filed from the provisions of paragraphs (b) or (d).

(m) *Communications.* All reports to be filed hereunder, or communications concerning this order should be addressed to: War Production Board,

Service Equipment Division, Service Machinery Section, Washington 25, D. C. Ref: L-190.

Issued this 1st day of September 1944.

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

INTERPRETATION 1: Revoked Feb. 10, 1944.

INTERPRETATION 2: Revoked Feb. 10, 1944.

[F. R. Doc. 44-13409; Filed, Sept. 1, 1944; 11:27 a. m.]

#### PART 3302—SERVICE EQUIPMENT

[Limitation Order L-222, as Amended Sept. 1, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export of the materials used in the manufacture of floor sanding, floor finishing, floor maintenance, and portable rug scrubbing machines, industrial vacuum cleaners, and blowers for cleaning purposes; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

#### § 3302.26 Limitation Order L-222—

(a) *What this order does.* This order controls the production of floor sanding, floor finishing, floor maintenance, and portable rug scrubbing machines, industrial vacuum cleaners, and blowers designed for cleaning purposes. It also regulates the distribution of some of these machines.

#### Floor Sanding Machines

(b) *What is meant by "floor sanding machines."* "Floor sanding machines" are machines designed for the smoothing of floors or decks, by using abrasives, such as sand paper and steel wool. However, floor sanding machines do not include any machines used for smoothing stone or tile floors. The latter are floor finishing machines, and are controlled by a different part of this order.

(c) *Production of floor sanding machines is prohibited.* No person may produce any floor sanding machines.

(d) *Distribution of these machines is not restricted.* In the past the War Production Board restricted the distribution of certain sizes of floor sanding machines. Those restrictions are no longer in effect, and it is not necessary to get permission from the War Production Board to sell or deliver floor sanding machines.

#### Portable Electric Hand Blowers

(e) *What is meant by "blowers."* As used in this order, "blowers" means combination blowers and exhausters designed for removing dust, reclaimable materials or refuse by either air pressure or suction. These machines consist of a combination of a motor operated air pressure producer, an air impeller line, and a portable tool with attachments. Blowers do not include any machines used solely for the handling of air or other gaseous mixtures.

(f) *Production of blowers is limited.* A person may produce blowers only to fulfill an authorized production schedule under the Controlled Materials Plan (CMP), as explained in CMP Regulation No. 1. Production will be authorized so that the total production will not exceed the approved War Production Board program and so that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant or in any other plant located in the same area.

(g) *Distribution of blowers is not restricted.* In the past the War Production Board restricted the distribution of blowers. Those restrictions are no longer in effect, and it is not necessary to get permission from the War Production Board to sell or deliver blowers.

**Industrial Vacuum Cleaners, Portable Rug Scrubbing Machines, and Floor Finishing and Floor Maintenance Machines**

(h) *What is meant by "industrial vacuum cleaners."* "Industrial vacuum cleaners" are machines (either stationary or portable) which consist of a combination of a motor-operated vacuum producer, an air impeller line, and a portable tool with attachments, and which are designed primarily for the collection and removal of dust, oil, and reclaimable materials or refuse by suction, in either the wet or dry state. Industrial vacuum cleaners do not include any vacuum cleaners designed primarily for household use, or any motor-operated vacuum producing units which are part of floor sanding, floor finishing or floor maintenance machines.

(i) *What is meant by "portable rug scrubbing machines."* "Portable rug scrubbing machines" means motorized portable devices for cleaning rugs, including portable rug shampooing machines. Stationary rug cleaning machines are not restricted by this order but are restricted by Limitation Order L-91.

(j) *What is meant by "floor finishing and floor maintenance machines."* A "floor finishing or floor maintenance machine" is a motorized or handpowered mechanical device used for grinding, staining, sealing, scraping, oiling, waxing, scrubbing, or polishing floors or decks, or for collecting and removing dust, grime, oil, reclaimable materials or refuse from floors or decks. Some machines do these things separately. In other cases the floors and decks are also washed, sterilized or wiped. Typical floor finishing and floor maintenance machines include terazzo grinders, waxing and polishing machines, wet or dry scrubbers, combination scrubbers with water pick-up, drum type sweepers, and scarifying machines. Floor finishing and floor maintenance machines do not include floor sanding machines, or machines specifically designed for manipulating wet cement.

(k) *Delivery of industrial vacuum cleaners, portable rug scrubbing machines, and some floor finishing and floor maintenance machines is restricted.* New industrial vacuum cleaners, new

portable rug scrubbing machines, new drum type floor finishing and floor maintenance machines making a six-inch path or wider, and new disk type floor finishing and floor maintenance machines making a ten-inch path or wider, may be delivered only under the following circumstances:

Delivery may be made to anyone whose order has been approved by the War Production Board on Form WPB-1843 before May 16, 1944, or on Form WPB-1319.

Delivery may also be made to any manufacturer or dealer who needs an industrial vacuum cleaner or other restricted machine to fill a specific order, or part of a specific order, which has been approved on Form WPB-1843 before May 16, 1944, or on Form WPB-1319.

(l) *How to get an order approved for delivery.* Those who want to get their orders approved for delivery should apply on Form WPB-1319 to the War Production Board, Service Equipment Division, Washington 25, D. C.: Ref. L-222. The instructions for the use of the form must be carefully followed; otherwise, the application will not be considered by the War Production Board. Copies of this form and the instructions can be obtained from the nearest field office of the War Production Board.

(m) *How to use a Form WPB-1843 or a Form WPB-1319 after approval is given.* If the War Production Board approves an order on Form WPB-1843 or Form WPB-1319, the form on which approval is given will be returned to the applicant, who must then give the form to the person delivering the equipment before the delivery is made. Only the supplier named in the form may deliver the equipment. Moreover, unless the form is given to the supplier within thirty days after the date on which the delivery was officially approved, the War Production Board's approval of the delivery is automatically withdrawn.

(n) *Production of industrial vacuum cleaners, portable rug scrubbing machines, and floor finishing and floor maintenance machines is limited.* The production of portable rug scrubbing machines is prohibited. The production of industrial vacuum cleaners and floor finishing and floor maintenance machines is forbidden, except to the following extent: A person may produce industrial vacuum cleaners, and floor finishing and floor maintenance machines, to fill orders approved by the War Production Board. In addition, a person may produce and maintain a stock of new industrial vacuum cleaners and floor finishing and floor maintenance machines of the sizes restricted under paragraph (k) numbering up to 15 percent of the total number of these machines shipped from his factory during the calendar year 1941.

Restricted industrial vacuum cleaners and floor machines produced before 1944 are not to be counted as part of this stock, but must be held as a stock pile to fill orders approved by the War Production Board just for delivery from that supply. A person may not produce a machine to fill an order approved for delivery only from the stock pile, nor may

he produce a machine to replace one taken from the stock pile to fill an approved order.

In approving orders, and in processing applications for priorities assistance on Form CMP-4B, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for these products, and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant located in the same area.

**General Provisions**

(o) *Production of supplies and repair parts is not limited.* This order does not limit the production of supplies and repair parts for equipment controlled under this order.

(p) *Applicability of other orders and regulations.* This order, and all transactions affected by it, are subject to all applicable provisions of other orders and regulations of the War Production Board as amended from time to time.

(q) *Reports on Form WPB-3495 by producers of blowers are required monthly.* Before the 15th of each month, every person in the business of producing blowers must send to the War Production Board a report on Form WPB-3495. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) *Miscellaneous reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, each person affected by this order must execute and file with the War Production Board whatever reports, information, and answers to questionnaires the War Production Board from time to time requests.

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

(t) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to produce any floorsanding machines or portable rug scrubbing machines may apply for permission to do so as explained in Priorities Regulation 25. Application for permission may also be made as explained in that regulation by any person who wants to produce more blowers than are authorized under paragraph (f) (including a person who has no such authorization), or by any person who wants to produce or maintain a stock of more industrial vacuum cleaners or floorfinishing and floor maintenance machines than are

permitted under paragraph (n) (including a person who made no shipments in 1941). A person may still, of course, apply for authority to produce blowers under paragraph (f) if he desires. The delivery restrictions in this order continue to apply to all production authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraphs (c), (f) and (n) should be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of the appeal. No appeal should be filed from the provisions of paragraphs (c), (f) or (n).

(u) *Communications to War Production Board.* All reports required by this order, and all communications concerning its provisions should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C.: Ref. L-222.

Issued this 1st day of September 1944.

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

[F. R. Doc. 44-13408; Filed, Sept. 1, 1944;  
11:27 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-606, Stay of Execution]

##### DEMAMBRO RADIO SUPPLY CO.

Joseph A. DeMambro, doing business as DeMambro Radio Supply Company at 1111 Commonwealth Avenue, Boston, Massachusetts, has appealed from the provisions of Suspension Order No. S-606, issued August 23, 1944, (§ 1010.606) and has requested a stay on the ground that irreparable harm would be done its business if the Suspension Order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the Suspension Order be stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner. In view of the foregoing, it is hereby ordered, That:

The provisions of Suspension Order No. S-606, issued August 23, 1944 and effective August 30, 1944, are hereby stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

Issued this 31st day of August 1944.

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

[F. R. Doc. 44-13334; Filed, August 31, 1944;  
4:15 p. m.]

#### PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 6]

##### DELIVERIES OF CERTAIN LOW GRADE LUMBER ON UNCERTIFIED AND UNRATED ORDERS

The following direction is issued pursuant to Order L-335:

(a) *What this direction does.* This direction permits a lumber supplier to deliver certain types of lumber on uncertified orders provided such delivery does not interfere with the filling of certified orders. Receipt of such lumber on uncertified orders is also authorized.

(b) *Delivery and receipt of graded lumber.* Any lumber supplier who accumulates Number 4 or lower grades of Douglas fir, Number 4 or lower grades of Southern yellow pine, Number 4 or lower grades of Western hemlock, Number 3 or lower grades of hardwood (all species), Number 4 or lower grades of Western red cedar, or Number 4 or lower grades of Sitka spruce, and who has not been offered certified orders for such lumber is authorized to deliver that lumber on uncertified and unrated orders to any person. Any lumber distributor may place uncertified and unrated orders with his lumber supplier to obtain such lumber and may deliver such lumber to his customers on uncertified and unrated orders after it has been received by him provided the lumber is placed in transit by his supplier prior to October 1, 1944. No sawmill may place lumber in transit to fill an uncertified order after September 30, 1944 except as is permitted by Directions 1 to 5 inclusive and Direction 7 to Order L-335. Receipts of any of this lumber on uncertified and unrated orders by a Class I consumer need not be charged against the amount of lumber that he has been authorized to receive in the third or fourth quarter on Form WPB-3640. No person may deliver and no person may receive ungraded lumber under the provisions of this direction except as provided in paragraph (c).

(c) *Deliveries and receipts of culls and rejects.* Any lumber supplier may deliver culls and rejects on uncertified and unrated orders, and any lumber distributor or consumer may receive culls and rejects. However, no lumber may be treated as cull or reject under this direction if the supplier charges more than 75 percent of the price allowed him by the Office of Price Administration for the lowest standard grade of the same species. A Class I consumer need not charge receipt of such lumber against the amount he is authorized to receive in a particular quarter on Form WPB-3640.

(d) *Directions 1 to 5 inclusive and Direction 8.* Deliveries and receipts of lumber to the extent permitted by this direction are authorized notwithstanding the provisions of Direction 1 to 5 inclusive and the provisions of Direction 8.

Issued this 31st day of August 1944.

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

[F. R. Doc. 44-13333; Filed, August 31, 1944;  
4:15 p. m.]

#### Chapter XI—Office of Price Administration

##### PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,<sup>1</sup> Amtd. 33]

##### CERTAIN PACKED FOOD PRODUCTS

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

In § 1341.583 (b) (7) a new sentence is added to the second undesignated para-

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

<sup>1</sup> 8 F.R. 16896, 17224, 17295, 17482; 9 F.R. 287, 96, 1710, 2237, 4349, 5075, 6109, 7503, 7833, 8144.

graph, as follows: "In addition, sales by processors whose factories are located in Michigan, New York, Pennsylvania or Virginia to government procurement agencies of pureed peaches prepared in those factories from Yellow Clingstone or Yellow Freestone type, washed, trimmed, pitted, pre-heated and screened or otherwise pulped, packed in No. 10 cans, in which the product occupies not less than 90% of the total volume capacity of the container, are not subject to maximum prices."

This amendment shall become effective September 1, 1944.

Issued this 1st day of September 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 44-13417; Filed, Sept. 1, 1944;  
11:46 a. m.]

#### PART 1374—FURS

[MPR 553]

##### AUSTRALIAN AND NEW ZEALAND RABBIT SKINS AND HATTERS' FUR

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

##### MPR 553—AUSTRALIAN AND NEW ZEALAND RABBIT SKINS AND HATTERS' FUR

Sec.

1. Sales of rabbit skins or hatters' fur at higher than maximum prices prohibited.
2. To what products, transactions and geographical areas this regulation applies.
3. Definitions.
4. Relation to other maximum price regulations.
5. Maximum prices for raw rabbit skins.
6. Maximum prices for dressed rabbit skins.
7. Maximum prices for dressed and dyed rabbit skins.
8. Maximum prices for sorted lots of dressed or dressed and dyed rabbit skins.
9. Maximum prices for rabbit skins sold by a manufacturer.
10. Maximum prices for hatters' fur.
11. Invoices.
12. Records.
13. Prohibitions.
14. Licensing.
15. Enforcement.
16. Petitions for amendment.
17. Adjustable pricing.

Appendix A: Maximum purchase prices for Australian and New Zealand raw rabbit skins.

Appendix B: Maximum prices for hatters' fur.

AUTHORITY: Secs. 1 to 17, inclusive (§ 1374-3), issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of rabbit skins or hatters' fur at higher than maximum prices prohibited.* (a) On and after September 6, 1944, regardless of any contract or other obligation, no person shall sell or deliver, and no person, in the course of trade or business, shall buy or receive any rabbit skins or hatters' fur covered by this regulation at prices higher than the maximum prices established by this regulation, and no person shall agree, offer or attempt to do any of these things.

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

**SEC. 2. To what products, transactions and geographical areas this regulation applies—**(a) *What products and transactions are covered by this regulation.* This regulation applies to all sales, purchases and deliveries of raw rabbit skins imported or to be imported from Australia and New Zealand, to all sales, purchases and deliveries of such skins, dressed or dressed and dyed, and to all sales, purchases and deliveries of hatters' fur of the grades listed in Appendix B made from such skins.

(b) *What geographical areas are covered.* This regulation applies to the continental United States, but not to the territories and possessions of the United States.

(c) *Export sales.* The maximum prices at which a person may export rabbit skins or hatters' fur covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,<sup>1</sup> issued by the Office of Price Administration.

**SEC. 3. Definitions.** The definition in § 1499.20 of the General Maximum Price Regulation<sup>2</sup> shall apply to the terms used in this regulation, to the extent that they are not inconsistent with the definitions set forth in this section.

(a) *Rabbit skins.* The term "rabbit skins" includes raw, dressed, and dressed and dyed rabbit skins.

(b) *Raw rabbit skins.* The term "raw rabbit skins" means the undressed or untanned skins of rabbits pelted in Australia or New Zealand and imported or to be imported into the continental United States.

(c) *Dressed or dressed and dyed rabbit skins.* The term "dressed or dressed and dyed rabbit skins" means raw rabbit skins which have been processed with the hair on and made suitable for use in the manufacture of commodities such as fur garments, fur trimmings, gloves, toys, slippers, etc.

(d) *Hatters' fur.* The term "hatters' fur" means the fur removed from raw rabbit skins, as defined in paragraph (b) of this section, suitable for use in the manufacture of fur felt for hats.

(e) *Primary dealer.* The term "primary dealer" means any person who purchases raw rabbit skins from a foreign seller or his agent either before or after the arrival of such skins in the continental United States and who sells them raw, dressed or dressed and dyed.

(f) *Secondary dealer.* The term "secondary dealer" means any person, other than a manufacturer, who purchases for resale rabbit skins which have been sold by a primary dealer.

(g) *Manufacturer.* The term "manufacturer" means any person who purchases rabbit skins for use in the manufacture of commodities such as fur garments, fur trimmings, hats, gloves, toys, slippers, etc.

**SEC. 4. Relation to other maximum price regulations.** This regulation shall apply, and the General Maximum Price Regulation, Revised Supplementary Regulation 14 thereto, Maximum Price Regulation 541<sup>3</sup> and the Maximum Import Price Regulation<sup>4</sup> shall not apply to all rabbit skins and hatters' fur covered by this regulation, except that rabbit skins purchased by a primary or secondary dealer on or before July 7, 1944 may be sold and delivered by the primary or secondary dealer at his applicable maximum price determined under the General Maximum Price Regulation up to and including December 1, 1944: *Provided,* That such purchases are evidenced by a written contract or other written evidence of purchase and that, on or before October 6, 1944 a report signed by the primary or secondary dealer is filed in duplicate with the Consumer Goods Price Division of the Office of Price Administration, Washington 25, D. C., attaching a copy of each contract or other written evidence of each purchase and stating the following information to the extent that it is not disclosed in such contracts or other written evidence:

(a) The name and address of the seller and whether he is a primary or secondary dealer;

(b) The date of each purchase;

(c) The quantity and assortment or grade of raw, dressed, and dressed and dyed rabbit skins, stated separately, in inventory on July 7, 1944;

(d) The quantity and assortment or grade of raw, dressed, and dressed and dyed rabbit skins, stated separately, to be received after July 7, 1944, including the name and address of each person from whom the rabbit skins were purchased; and

(e) The seller's maximum prices under the General Maximum Price Regulation and the maximum prices under this regulation for the rabbit skins covered by this report.

**SEC. 5. Maximum prices for raw rabbit skins—**(a) *Maximum prices for raw rabbit skins purchased from a foreign seller.* The maximum prices at which any person may purchase raw rabbit skins from a foreign seller or his agent, before or after their arrival in the continental United States, are set forth in Appendix A of this regulation.

(b) *Maximum prices for raw rabbit skins sold by primary or secondary dealers.* The maximum prices for sales or deliveries of raw rabbit skins by primary or secondary dealers shall be the sum of: (i) The applicable maximum price for the raw rabbit skins set forth in Appendix A of this regulation, (ii) freight, including inland freight from port of entry, bank commissions, bank cable charges, customs brokerage, cartage, and marine and war risk insurance premiums actually paid; and (iii) a markup of 10% of the total of items (i) and (ii) of this paragraph.

**SEC. 6. Maximum prices for dressed rabbit skins—**(a) *Maximum prices for*

*dressed rabbit skins sold by primary dealers.* The maximum prices for sales or deliveries of dressed rabbit skins by primary dealers shall be the sum of:

(i) The applicable maximum price for the raw rabbit skins set forth in Appendix A of this regulation, (ii) freight, including inland freight from port of entry, bank commissions, bank cable charges, customs brokerage, cartage, and marine and war risk insurance premiums actually paid, (iii) the actual cost of dressing the raw rabbit skins, and (iv) a markup of 15% of the total of items (i), (ii) and (iii) of this paragraph.

(b) *Maximum prices for dressed rabbit skins sold by secondary dealers.* The maximum prices for sales or deliveries of dressed rabbit skins by secondary dealers, whether purchased by the secondary dealer in a raw or dressed condition, shall be the sum of: (i) The applicable maximum price for the raw rabbit skins set forth in Appendix A of this regulation, (ii) freight, including inland freight from port of entry, bank commissions, bank cable charges, customs brokerage, cartage, and marine and war risk insurance premiums actually paid, (iii) the actual cost of dressing the raw rabbit skins, and (iv) a markup of 20% of the total of items (i), (ii) and (iii) of this paragraph.

**SEC. 7. Maximum prices for dressed and dyed rabbit skins—**(a) *Maximum prices for dressed and dyed rabbit skins sold by primary dealers.* The maximum prices for sales or deliveries of dressed and dyed rabbit skins by primary dealers shall be the sum of: (i) The applicable maximum price for the raw rabbit skins set forth in Appendix A of this regulation, (ii) freight, including inland freight from port of entry, bank commissions, bank cable charges, customs brokerage, cartage, and marine and war risk insurance premiums actually paid, (iii) the actual cost of dressing and dyeing the raw rabbit skins, and (iv) a markup of 20% of the total of items (i), (ii) and (iii) of this paragraph.

(b) *Maximum prices for dressed and dyed rabbit skins sold by secondary dealers.* The maximum prices for sales or deliveries of dressed and dyed rabbit skins by secondary dealers shall be the sum of: (i) The applicable maximum price for the raw rabbit skins set forth in Appendix A of this regulation, (ii) freight, including inland freight from port of entry, bank commissions, bank cable charges, customs brokerage, cartage, and marine and war risk insurance premiums actually paid, (iii) the actual cost of dressing and dyeing the raw rabbit skins, and (iv) a markup of 25% of the total of items (i), (ii) and (iii) of this paragraph.

**SEC. 8. Maximum prices for sorted lots of dressed or dressed and dyed rabbit skins.** The maximum price for the sale or delivery of a particular grade of dressed or dressed and dyed rabbit skins sorted out of a lot of dressed or dressed and dyed rabbit skins shall be the applicable maximum price for the unsorted lot, as determined under section 6 or 7 of this regulation, increased by 10%. However, the total sum received for all

<sup>1</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201.

<sup>2</sup> 9 F.R. 1385, 5169, 6106, 8150.

<sup>3</sup> 9 F.R. 6565.

<sup>4</sup> 8 F.R. 11681, 12237; 9 F.R. 2350, 7504, 8062.

the skins in the lot may not exceed the applicable maximum price for the entire lot if it were sold on an unsorted basis.

**SEC. 9. Maximum prices for rabbit skins sold by a manufacturer.** The maximum prices for sales or deliveries of rabbit skins by a manufacturer shall be the sum of (a) his actual delivered cost of the rabbit skins (not to exceed the applicable maximum price), and (b) if the rabbit skins are dressed or dressed and dyed, the actual cost to the manufacturer of dressing or dressing and dyeing the raw rabbit skins.

**SEC. 10. Maximum prices for hatters' fur.** The maximum prices at which any person may sell, purchase or deliver hatters' fur are set forth in Appendix B of this regulation.

**SEC. 11. Invoices—(a) Raw rabbit skins.** Every primary dealer, secondary dealer and manufacturer shall, in connection with each sale or delivery of raw rabbit skins, deliver to the purchaser an invoice showing:

- (1) The date of sale;
- (2) The name and address of the seller and purchaser;
- (3) The shipping terms, if any;
- (4) The terms of sale;
- (5) A description of the raw rabbit skins, as follows:
  - (i) The number of bales,
  - (ii) The number of each bale,
  - (iii) The foreign shipper's mark on each bale,
  - (iv) The grade or grades in each bale,
  - (v) The foreign shipper's net weight of each bale and, where there is more than one grade in a bale, the foreign shipper's net weight of each grade; and
- (6) The selling price and, in the case of a sale to a secondary dealer, the maximum price for each grade in each bale.

(b) Dressed or dressed and dyed rabbit skins. Every primary dealer, secondary dealer and manufacturer shall, in connection with each sale or delivery of dressed or dressed and dyed rabbit skins, deliver to the purchaser an invoice showing:

- (1) The date of sale;
- (2) The name and address of the seller and purchaser;
- (3) The shipping terms, if any;
- (4) The terms of sale;
- (5) A description of the dressed or dressed and dyed rabbit skins, as follows:
  - (i) The seller's identifying lot number or numbers,
  - (ii) The kinds and, where sold in graded lots, the grades of dressed rabbit skins, and the quantity of each kind and grade,
  - (iii) The kinds and, where sold in graded lots, the grades of dressed and dyed rabbit skins, and the quantity of each kind and grade of dressed and dyed rabbit skins, and the dyer's name or trade mark identifying the dye process; and
- (6) The selling price and, in the case of a sale to a secondary dealer, the maximum price for each kind and, where sold in graded lots, for each grade of dressed and dyed rabbit skins.

(c) *Hatters' fur.* Every seller shall, in connection with each sale or delivery of hatters' fur, deliver to the purchaser an invoice showing:

- (1) The date of sale;
- (2) The name and address of the seller and purchaser;
- (3) The shipping terms, if any;
- (4) The terms of sale;
- (5) A description of the hatters' fur, as follows:
  - (i) The seller's identifying lot number or numbers, and
  - (ii) The grade and quantity of each grade; and
- (6) The selling price for each grade.

**SEC. 12. Records—(a) Current records.** Every primary or secondary dealer in rabbit skins, every manufacturer and every seller of hatters' fur must keep a duplicate of the invoice delivered by him in connection with every sale or delivery of rabbit skins or hatters' fur, and every purchaser, in the course of trade or business, must keep the invoice received by him in connection with every purchase of rabbit skins or hatters' fur for which a maximum price is established by this regulation. Such invoices must contain the information required by section 11. In addition, every primary or secondary dealer, every manufacturer, and every seller of hatters' fur must record on his retained duplicate invoice of sale the name and address of the person or persons from whom he purchased the rabbit skins or hatters' fur sold and the purchase invoice or other purchase record number or numbers covering such purchases by the seller. When a lot of rabbit skins or hatters' fur is assigned a new lot number or numbers covering such purchases by the seller, either by reason of processing or otherwise, the primary or secondary dealer, manufacturer, or seller of hatters' fur must maintain records of such change of number referring to the former lot number or numbers.

(b) *Dressed rabbit skins.* In addition to the records required under paragraph (a) of this section, every primary dealer, secondary dealer and manufacturer who dresses raw rabbit skins or has them dressed for his account must keep records which will show with respect to each lot:

- (1) The name and address of the dresser;
- (2) The number of raw skins dressed;
- (3) The net weight of the raw skins;
- (4) The actual cost of dressing;
- (5) The identifying number of each dressed lot; and
- (6) The number of rejected skins in each dressed lot.

(c) *Dyed or dressed and dyed rabbit skins.* In addition to the records required under paragraph (a) of this section, every primary dealer, secondary dealer and manufacturer who dyes or dresses and dyes rabbit skins or has them dyed or dressed and dyed for his account must keep records which will show with respect to each lot:

- (1) The name and address of the dyer or dresser and dyer;
- (2) The net weight of the raw skins dressed and dyed;

(3) The number of raw skins dressed and dyed and the number of dressed skins dyed;

(4) The actual cost of dyeing or dressing and dyeing;

(5) The identifying number of each dyed or dressed and dyed lot;

(6) The number of skins on which there was no charge for dyeing or dressing and dyeing.

**SEC. 13. Prohibitions.** (a) No person shall make a sale of rabbit skins or hatters' fur which is conditioned, directly or indirectly, on the purchase of any other commodity or service.

(b) No person shall, for the purpose of evading the price limitations set forth in this regulation, sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with the seller. No person shall do any other act which, directly or indirectly, increases the consideration paid for any rabbit skins or hatters' fur. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

(c) No person shall agree, offer, solicit or attempt to do any of the acts prohibited by this section.

**SEC. 14. Licensing.** The provisions of Licensing Order No. 1,<sup>8</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price regulations. A person may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 15. Enforcement.** Any person who does any act, or fails to do any act, in violation of this regulation is subject to the criminal penalties, civil enforcement suits, suits for treble damages and proceedings for the suspension of license provided by the Emergency Price Control Act of 1942, as amended.

**SEC. 16. Petitions for amendment.** Any person seeking a modification of any provisions of this Maximum Price Regulation No. 553 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>9</sup> issued by the Office of Price Administration.

**SEC. 17. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authoriza-

<sup>8</sup> 8 F.R. 13240.

<sup>9</sup> 7 F.R. 8961; 8 F.R. 3313, 3513, 6173, 11585; 9 F.R. 1594, 3073.

tion may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by the official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

#### APPENDIX A—MAXIMUM PURCHASE PRICES FOR AUSTRALIAN AND NEW ZEALAND RAW RABBIT SKINS

The prices listed below are the maximum purchase prices for the specified grades of raw rabbit skins, f. o. b. Australian or New Zealand port of shipment, including all export taxes. The maximum purchase price for any grade of raw rabbit skins not specifically listed in this section shall be a price in line with the maximum price for the nearest related grade of raw rabbit skins listed, making adjustments downward to reflect customary differentials between such grades (including geographical origin and section) in accordance with the purchaser's established practice.

(a) *Australian raw rabbit skins—(1) Maximum purchase prices for sleeved grades of raw rabbit skins of New South Wales (Sydney) and Tasmania origin.*

Grade:	Price (Per pound, net weight)
1st winter pelt.....	\$2.47
2d winter pelt.....	2.31
1st winter.....	2.28
2d winter.....	2.14
1st incoming pelt.....	2.23
2d incoming pelt.....	2.09
1st incoming.....	2.08
2d incoming.....	1.95
Autumn pelt.....	1.90
Autumn.....	1.68
Rack pelt.....	1.52
Rack.....	1.52
1st milky.....	1.85
2d milky.....	1.71
3d milky.....	1.52
4th milky.....	1.19
5th milky.....	1.00
¾ grown.....	1.33
½ grown.....	1.14
Kittens.....	.83
1st damaged.....	1.57
2d damaged.....	1.43
3d damaged.....	1.24
4th damaged.....	1.00
5th damaged.....	.90

(2) *Maximum purchase prices for butcher grades of New South Wales (Sydney) and Tasmania origin.* The maximum purchase prices for butcher grades of raw rabbit skins of New South Wales (Sydney) and Tasmania origin shall be 80% of the maximum purchase prices set forth in (1), above for the corresponding sleeved grades.

(3) *Maximum purchase prices for raw rabbit skins of Victoria (Melbourne) origin.* The maximum purchase prices for sleeved grades of raw rabbit skins of Victoria (Melbourne) origin shall be 90% of the maximum purchase prices set forth in (1), above. The maximum purchase prices for butcher grades of such rabbit skins shall be 80% of the maximum purchase prices for sleeved grades, determined under this subparagraph.

(4) *Maximum purchase prices for raw rabbit skins of South Australia (Adelaide) origin.* The maximum purchase prices for sleeved grades of raw rabbit skins of South Australia (Adelaide) origin shall be 85% of the maximum purchase prices set forth in (1), above. The maximum purchase prices for butcher grades of such rabbit skins shall be 80% of the maximum purchase prices for sleeved grades, determined under this subparagraph.

(5) *Maximum purchase prices for Australian raw rabbit skins purchased on an ungraded basis.* The maximum purchase prices for Australian raw rabbit skins purchased on an ungraded basis, or otherwise lacking description as to grade, country or region of origin, shall be \$.56 per pound, net weight.

(b) *New Zealand raw rabbit skins—(1) Maximum purchase prices for sleeved grades of New Zealand raw rabbit skins.*

Grade:	Price (per pound, net weight)
1st winter buck.....	\$2.57
1st early winter buck.....	2.47
2d winter buck.....	2.33
2d early winter buck.....	2.23
Spotty winter buck.....	2.14
1st late winter buck.....	1.95
1st spring buck.....	1.62
1st winter doe.....	2.42
1st early winter doe.....	2.33
2d winter doe.....	2.19
2d early winter doe.....	2.00
Spotty winter doe.....	1.90
1st late winter doe.....	1.71
1st spring doe.....	1.33
1st incoming.....	2.23
2d incoming.....	2.04
1st late autumn.....	2.04
1st early autumn.....	1.71
Dawny autumn.....	1.47
Prime and light rack.....	1.43
Summer buck and doe.....	1.05
Runner.....	.95
Sucker.....	.76
1st winter broken.....	1.47
2d broken.....	1.33
3d broken.....	1.05
Summer broken.....	.90
1st milky.....	1.33
2d milky.....	1.19
3d milky.....	.95

(2) *Maximum prices for bloodstained and crutch-gutted grades of New Zealand raw rabbit skins.* The maximum purchase prices for bloodstained and crutch-gutted grades of New Zealand raw rabbit skins shall be 85% of the maximum purchase prices for the corresponding sleeved grades set forth in subparagraph (1) of this paragraph.

(3) *Maximum purchase prices for New Zealand raw rabbit skins purchased on an ungraded basis.* The maximum purchase prices for New Zealand raw rabbit skins purchased on an ungraded basis, or otherwise lacking description as to grade, country or region of origin, shall be \$.65 per pound, net weight.

#### APPENDIX B—MAXIMUM PRICES FOR HATTERS' FUR

The maximum prices for sales, deliveries or purchases of hatters' fur are set forth below:

Grade of fur:	Price per pound, f. o. b. seller's shipping point
Entire.....	\$6.00
Unpulled.....	5.00

The above maximum prices for hatters' fur are subject to a discount of 8% for payment within 60 days.

This regulation shall become effective September 6, 1944.

NOTE: The reporting and record-keeping provisions of this regulation have been ap-

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-13419; Filed, Sept. 1, 1944;  
11:45 a. m.]

#### PART 1377—WOODEN CONTAINERS

[MPR 481, Amdt. 6]

##### SLACK COOPERAGE AND COOPERAGE STOCK

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

Maximum Price Regulation 481 is amended in the following respects:

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

(b) *Products covered.* The term "slack staves" as used in this regulation includes all hardwood knife-cut and jointed and all softwood and hardwood staves sawed on a parallel sided drum saw and produced in any of the following states: Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont or Virginia.

The term "slack heading," as used in this regulation, includes slack heading 12½" through 24" in diameter sawed from softwood or hardwood, kiln-dried and circled, and produced in any of the states listed in the preceding paragraph.

The term "slack cooperage," as used in this regulation, includes any barrel, keg, tub, bucket, pail or kit made entirely or partially from the staves and heading covered by this regulation.

The term "wood hoops," as used in this regulation, includes all knife-cut beveled barrel or keg hoops and headliners and rived or split hoops made of wood and produced in any of the states listed above.

2. In section 4 (a), the text preceding the tables is amended to read as follows:

(a) *Factory or mill sales.* In direct factory sales of more than 6,000 pounds, that is, sales made by the producing factory, the maximum prices, f. o. b. mill or railhead, for slack cooperage stock are shown below.

(1) Staves and heading produced in the following states: Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia or West Virginia.

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

18 F.R. 14312, 16790; 9 F.R. 2946, 3512, 4985, 8815, 8931.

Knife-cut, beveled, wood hoops and headliners produced in Arkansas, Louisiana, Indiana, or Ohio.

3. A new subparagraph, designated (2) is added at the end of section 4 (a) to read as follows:

(2) For staves, heading and knife-cut, beveled wood hoops and headliners produced in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island or Vermont and for rived or split wood hoops produced in any state listed in section 3 (b) of this regulation, the maximum prices, f. o. b. mill or railhead, shall be those established under the general maximum price regulation.

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

(a) *Factory or mill sales.* (1) The maximum f. o. b. factory price of any slack barrel or keg made entirely or partially of staves and heading produced in the states of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia or West Virginia shall be the producer's f. o. b. factory price as established by the general maximum price regulation for the same barrel to a purchaser of the same class plus actual increase in the cost of the materials used in the barrel, plus 5 cents per barrel.

(2) The maximum prices for kegs and barrels made entirely or partially of stock produced in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island or Vermont and for tubs, buckets, pails or kits made of any stock covered by this regulation shall be the prices established under the general maximum price regulation.

This amendment shall become effective September 6, 1944.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-13420; Filed, Sept. 1, 1944;  
11:44 a. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16, Amdt. 13 to 2d Rev. Supp. 1]

##### MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (h) is added to read as follows:

(h) Spare stamp numbered "25" in War Ration Book IV is good for ten points in all counties in the State of Washington, in all counties in the State of Oregon except in Malheur county, and in the counties of Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho in the State of Idaho. It may be

<sup>1</sup> 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278.

used by consumers in that area from September 3, 1944 to 12:01 a. m. October 22, 1944, only to acquire lamb. If received from a consumer in that way, it may be used within that area by a person, other than a consumer, who does not have a ration bank account within that area, for a transfer of any food covered by Revised Ration Order 16 or for exchange at a board within that area for certificates or ration coupons valid for foods covered by Revised Ration Order 16. However, it may not be so used for transfer or exchange after November 21, 1944. Also, it may be used by a person, other than a consumer, who has a ration bank account within that area, for deposit in that account in the same way as a ten point red stamp. However, it may not be used for deposit after December 1, 1944.

This amendment shall become effective September 3, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251, 9 F.R. 4319; WFO No. 59, 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4319, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9389)

Issued this 31st day of August 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 44-13337; Filed, August 31, 1944;  
4:18 p. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [RMFR 183, Amdt. 49]

##### GROCERY ITEMS IN PUERTO RICO

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

Revised Maximum Price Regulation 183 is amended in the following respect:

1. Section 25, Table 10 is amended by changing the prices of the following items and by eliminating the price "to wholesaler" of Corn, fancy golden sweet, cream style, "Snider" to read as follows:

Items and brand names	Unit	Price at whole sale	Retail price (per unit)
Beans, Pinto, Capo	cs. 24/#2 can...	\$2.90	\$0.15
Corn, fancy golden sweet, cream style, Snider	cs. 24/#2 can...	3.25	.18

2. Section 32, Table 18a is amended by deleting all "La Campana" and "La Sultana" vegetable oil items.

3. Section 32, Table 18b is added to read as follows:

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

TABLE 18B—MAXIMUM PRICES FOR VEGETABLE OILS BOTTLED IN THE TERRITORY OF PUERTO RICO

Item and brand name	Container, size and unit	At whole sale	At retail (per unit)
All brands	Cs. 4/1 gallon	\$8.60	\$2.65
	Cs. 6/1/2 gallon	7.00	1.40
	Cs. 12/1 quart	7.20	.75
	Cs. 24/12 ounces	6.20	.32
	Cs. 24/8 ounces	4.50	.23
	Cs. 24/4 ounces	2.95	.15

4. Section 42, Table 331 is amended by changing the prices of one item to read as follows:

Item and brand name	Unit	Price at whole sale	Retail price (per unit)
Raisins, Bohack	cs. 48/15 oz. pkgs.	\$7.00	\$0.20

5. Section 42, Table 33m is amended by changing the price of one item to read as follows:

Item and brand name	Unit	Price at whole sale	Retail price (per unit)
Dill pickles, Libby	cs. 4/105 (98 oz.) glass	\$4.10	\$1.25

6. Section 54 is amended in the following respects:

a. Under paragraph (a) *Definitions*, "Group A" is amended to read as follows:

##### GROUP A

Piece goods, yard goods or pound goods, and all garments with the exception of headwear and footwear and the garments and articles enumerated in Group B or Group C.

b. Under paragraph (a) *Definitions*, "Group B" is amended by deleting the article "quilts".

This amendment shall become effective September 6, 1944.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-13421; Filed, Sept. 1, 1944;  
11:45 a. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 54]

##### FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Appendix K in Section 15 is amended in the following respects:

1. In Table 1 in paragraph (f), items 9, 10, 11 and 12 are amended to read as follows:

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

<sup>1</sup> 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7580, 7425, 7583, 7759, 7774, 7834, 8148, 9066, 9090.

TABLE 1—MAXIMUM PRICES FOR PEACHES

Col. 1	2	3	4	5	6	7
No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices for fruit loaded on car or truck at shipping point	Maximum prices for sales delivered to any wholesale receiving point in any quantity. <sup>1</sup>	Maximum prices for sales by certain persons in less-than-carlots or less-than-trucklots delivered to the premises of any retail store, government procurement agency or institutional buyer. <sup>2</sup>
9	Fruit box (WPB L-232 No. 35) with a net weight of not less than 16 pounds and not more than 18 pounds.	Per box.....	All season....	\$1.46		Column 6 price plus 40 cents.
10	Standard bushel basket.....	Per bushel..	All season....	3.36		Column 6 price plus \$1.08.
11	Fruit box (WPB L-232 No. 35) with a net weight of less than 16 pounds or more than 18 pounds, bushel baskets, the contents of which do not meet the requirements of pack specified for standard containers (see paragraph (b) (3) (i)) and peaches graded and packed in any other container.	Per pound..	All season....	7.5 cents..	Price in Col. 5 plus freight (including 3% transportation tax) from shipping point and plus protective service allowances. <sup>3</sup>	Column 6 price plus 2 3/4 cents.
12	Peaches produced in Montana, Wyoming, Utah, Colorado and New Mexico and sold loose and ungraded (orchard run) in any container <sup>1</sup> ; or peaches sold graded in bulk (loose without containers).	Per pound..	All season....	6.3 cents..		Column 6 price plus 2 3/4 cents.

2. In Table A in paragraph (g), Column 3 is amended by deleting the phrase "Fruit box (WPB L-232 No. 35) 17-19 pounds" and substituting the phrase "Fruit box (WPB L-232 No. 35) 16-18 pounds," and by deleting the phrase "fruit boxes (WPB L-232 No. 35) with a net weight of less than 17 pounds or more than 19 pounds" and substituting the phrase "fruit boxes (WPB L-232 No. 35) with a net weight of less than 16 pounds or more than 18 pounds," where those phrases appear under item 1 for the states of Montana, Wyoming, Utah, Colorado, and New Mexico.

3. In Table B in paragraph (g), Column 3 is amended by deleting the phrase "Fruit box (WPB L-232 No. 35) 17-19 pounds" and substituting the phrase "Fruit box (WPB L-232 No. 35) 16-18 pounds", and by deleting the phrase "fruit boxes (WPB L-232 No. 35) with a net weight of less than 17 pounds or more than 19 pounds" and substituting the phrase "fruit boxes (WPB L-232 No. 35) with a net weight of less than 16 pounds or more than 18 pounds", where those phrases appear under item 1 for the states of Montana, Wyoming, Utah, Colorado, and New Mexico.

This amendment shall become effective 12:01 a. m. September 1, 1944.

Issued this 31st day of August 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

Approved: August 30, 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-13336; Filed, August 31, 1944;  
4:19 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11<sup>1</sup> to GMPR,<sup>2</sup> Amdt. 53]

#### EXCEPTIONS FOR CERTAIN SERVICES; CONVERSION OF RAW MATERIALS INTO AVIATION GASOLINE

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

The first sentence of § 1499.46 (b) (103) is amended to read as follows:

(103) Conversion of raw materials supplied by the customer into synthetic rubber, aviation gasoline of 87 octane rating or higher, or into the components of aviation gasoline of 87 octane rating or higher.

This amendment shall become effective September 6, 1944.

Issued this 1st day of September 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 44-13422; Filed, Sept. 1, 1944;  
11:44 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 271,<sup>3</sup> Amdt. 23]

#### POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment

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

<sup>1</sup> 7 F.R. 6426.

<sup>2</sup> 9 F.R. 1385.

<sup>3</sup> 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199.

has been issued and filed with the Division of the Federal Register.

In Table V of section 24 the prices for California under the column Sept. "1944" are amended to read as follows:

State and Producing Area: September 1944  
California:  
Modoc and Siskiyou Counties..... 2.45  
Rest of State..... 2.60

This amendment shall become effective at 12:01 a. m., September 1, 1944.

Issued this 31st day of August 1944.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

Approved: August 30, 1944.

MARVIN JONES,  
War Food Administration.

[F. R. Doc. 44-13335; Filed, August 31, 1944;  
4:18 p. m.]

[RMFR 271,<sup>1</sup> Amdt. 24]

#### POTATOES AND ONIONS

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

A new section 26 is added, to read as follows:

SEC. 26. Miscellaneous adjustments for crop losses. (a) In Table V of section 24, the prices for September in the column "1944" are increased by the following amounts:

State	September	
	Sept. 1-16	Sept. 17-30
Indiana.....	\$0.90	\$0.45
Illinois.....	.90	.45
Michigan.....	.90	.45
Wisconsin.....	.90	.45
Maine.....	.90	.45
New Hampshire.....	.90	.45
Vermont.....	.90	.45
Massachusetts.....	.90	.45
Rhode Island.....	.90	.45
Connecticut.....	.90	.45
New York, Long Island.....	.90	.45
New York, rest of state.....	.90	.45
New Jersey.....	.90	.45
Pennsylvania.....	.90	.45
Ohio.....	.90	.45
West Virginia.....	.90	.45
Delaware.....	.90	.45
Maryland.....	.90	.45
Virginia.....	.90	.45
Tennessee.....	.90	.45
Kentucky.....	.90	.45
Georgia.....	.90	.45
North Carolina.....	.90	.45
South Carolina.....	.90	.45
Other States.....	0	0

This amendment shall become effective September 1, 1944.

Issued this 1st day of September 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

Approved: August 31, 1944.

MARVIN JONES,  
War Food Administration.

[F. R. Doc. 44-13418; Filed, Sept. 1, 1944;  
11:44 a. m.]

<sup>1</sup> 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199.

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Navy

### PART 6—SECURITY OF PORTS AND CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

#### MANNING OF VESSELS IN PORT; GUARDS

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U.S.C. Title 50, sec. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1941 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581) respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

Amend § 6.322 (a) to read as follows:

§ 6.322 *Manning of vessels in port.*

(a) Self-propelled vessels of 1000 gross tons or over except when "out of service".

(1) A crew of officers and men equivalent to the regular deck and engine room sea watches not including day men.

(2) Among the total number of persons required to be aboard as set forth in (1) there shall be at least:

- 1 Licensed Deck Officer.
- 1 Licensed Engineer Officer.
- 1 Qualified Member of Engine Department (Oiler, Watertender, Fireman).

(3) The remaining persons required to be aboard shall be physically fit to assist in an emergency and it is not necessary that they be seamen.

(4) Men serving on the ship as guards and watchmen may be included to make up the remaining persons required in (3) above.

Amend the first sentence of § 6.331 *When guards shall be used* by inserting a colon after the word "schedule" and by deleting the words "in addition to the crew requirements set forth under the section on manning."

Amend § 6.333 (c) to read as follows:

§ 6.333 *Those who may be guards.*

(c) Members of the crew when approved by the master or senior deck officer aboard.

RALPH A. BARD,  
*Acting Secretary of the Navy.*

Approved: August 31, 1944.

FRANKLIN D. ROOSEVELT,  
*The White House.*

[F. R. Doc. 44-13399; Filed, Sept. 1, 1944;  
11:23 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Subtitle A—Office of the Secretary of the Interior

#### COLONIAL PARKWAY LANDS, VIRGINIA

#### TRANSFER OF JURISDICTION FROM NATIONAL PARK SERVICE TO FEDERAL WORKS AGENCY

Pursuant to the authority contained in the act of Congress approved October 14,

1940 (54 Stat. 1125), entitled "An Act to expedite the provision of Housing in connection with national defense, and for other purposes," as amended, *It is ordered*, That, for the purposes and subject to the conditions hereinafter set forth, jurisdiction over the following described tract of land, comprising a portion of the Colonial Parkway, Colonial National Historical Park, Virginia, administered by the National Park Service, is hereby transferred to the Federal Works Agency:

A strip of land thirty (30) feet in width being fifteen (15) feet on each side of the following described center line:

Beginning at Station 898 plus 76.81, a point in the southerly line of lands of Williamsburg Restoration, Inc., and in the northerly line of lands of the United States (Colonial Parkway); thence S. 37°33' E., 347 feet to Station 902 plus 23.81; thence S. 36°21' E., 179.5 feet to Station 904 plus 03.31, a point in the southerly line of lands of the United States (Colonial Parkway), and in the northerly line of lands of the City of Williamsburg School Board.

The jurisdiction hereby transferred is limited to the use and occupancy of said parkway land necessarily incident to the construction, operation and maintenance of a 39-inch water line across the parkway as a part of the Chickahominy Water Supply Line, a Defense Public Works project to furnish water to the City of Newport News, Virginia, and shall be exercised by the transferee in such manner as not to interfere with the primary use of the land for parkway purposes.

This transfer of jurisdiction is made and accepted subject to the following conditions:

1. That the said water line shall be installed at such depth that the top of the pipe will not be less than three (3) feet below the bottom of the pavement of the parkway. The installation, operation and maintenance of said water line shall be accomplished, without cost or expense to the Department of the Interior, under the general supervision and approval of the Director of the National Park Service or his authorized representative.

2. That the installation, operation and maintenance of said water line shall be accomplished in such manner as not to disturb the pavement or obstruct travel on the parkway.

3. That any settlements or depressions in said road or parkway resulting from such work, and any damages otherwise caused to the Colonial National Historical Park incident to the installation, operation and maintenance of said water line, shall be promptly repaired by the transferee at its expense and all work in connection therewith shall be accomplished subject to the general supervision and approval of the Director of the National Park Service or his authorized representative.

4. That the transferee shall supervise and inspect the water line regularly and shall immediately repair any leaks found therein. Upon making any repairs thereto, the ground and road will be immediately restored by the transferee, in so far as is possible, to the same condition as that in which it existed prior to the commencement of such work. Any landscape feature scarred

or damaged by the transferee shall be restored as nearly as possible to its original condition at the expense of the transferee in a manner satisfactory to the Director of the National Park Service or his authorized representative.

5. That said use and occupancy of parkway land shall be subject to such rules and regulations as the Secretary of the Interior or his duly authorized representative may from time to time prescribe for the government of the parkway.

6. That the Department of the Interior shall not be responsible for any injuries to persons or damage to property which may arise incident to the installation, maintenance and operation of said water line and the grantee under any easement granted by the Federal Works Agency covering the land described in this instrument shall save the United States harmless from any and all such claims.

7. That the jurisdiction hereby transferred shall revert in the National Park Service upon a finding by the Secretary of the Interior, after notice to the transferee and after an opportunity for a hearing, that the said transferee has not complied with the foregoing conditions.

8. That in the event of abandonment or non-use of said Colonial Parkway land by the transferee for a period of two (2) consecutive years, the jurisdiction hereby transferred shall automatically revert in the National Park Service.

9. That in the event of the disposal of the water line by the Federal Works Agency, any easement granted in connection therewith by that Agency, under the authority of the act of October 14, 1940, supra, shall be subject to the terms and conditions as set forth in this order of transfer of jurisdiction.

The license issued to the Federal Works Agency on October 7, 1942, for the construction, operation and maintenance of a water line across Colonial Parkway land, is hereby revoked.

Dated: August 22, 1944.

ABE FORTAS,  
*Acting Secretary of the Interior.*

[F. R. Doc. 44-13423; Filed, Sept. 1, 1944;  
9:42 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service

#### PART 23—SOUTHWEST REGION NATIONAL WILDLIFE REFUGES

#### SALT PLAINS NATIONAL WILDLIFE REFUGE, OKLA.; FISHING

Under authority of section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284) the following is hereby ordered:

§ 23.798 *Salt Plains National Wildlife Refuge, Oklahoma; fishing.* Non-commercial fishing is permitted in the waters hereinafter specified of the Salt

Plains National Wildlife Refuge, Oklahoma, in accordance with the laws and regulations of the State of Oklahoma during such times, in such numbers, and in such manner as the Director of the Fish and Wildlife Service may from time to time determine to be appropriate, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* The waters of the Salt Plains National Wildlife Refuge lying south and east of a line beginning at the northeast corner of section 9, T. 26 N., R. 9 W. and extending southwest diagonally to the southwest corner of section 17 and thence due south on the section line common to sections 19 and 20 and 29 and 30 all in, T. 26 N., R. 9 W., Indian Meridian, Oklahoma, shall be open to fishing.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Oklahoma. Fishing under this regulation shall be by hook and line (including rod and reel) only, as defined by State law.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Oklahoma Game and Fish Commission, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Oklahoma Game and Fish Commission or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing or the use of power boats will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are suitably posted by such officer.

OSCAR L. CHAPMAN,  
Assistant Secretary.

AUGUST 29, 1944.

[F. R. Doc. 44-13360; Filed, Sept. 1, 1944;  
9:42 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bureau of Mines.

##### EASTERN POWDER, INC.

#### ORDER REVOKING LICENSES, DIRECTING SURRENDER OF LICENSES AND REQUIRING RECORDS TO BE FURNISHED

To: Eastern Powder, Inc., 622 Hospital Trust Building, Providence, Rhode Island.

Based upon the records in this matter, including your answer, I make the following findings of fact:

1. On July 14, 1944, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto, of which you were accused, was mailed to you giving you notice to mail an answer within 15 days from July 14, 1944, answering the charges against you and requesting an oral hearing if you wished.

2. Your answer dated July 27, 1944, was received on July 29, 1944, and considered. More than 30 days have elapsed since July 14, 1944. You have not requested an oral hearing.

3. All of the accusations against you, which are set out in the specification of charges, are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and regulations thereunder, I hereby order:

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, September 16, 1944.

2. That prior to midnight, September 16, 1944, you shall sell or otherwise dispose of, to properly licensed persons, or use or destroy all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody.

3. That after having sold or otherwise disposed of or used or destroyed all of the explosive and ingredients of explosives, as required by paragraph 2 of this order, you shall, prior to midnight, September 16, 1944, deliver or mail to A. D. Look, Engineer in Charge, United States Bureau of Mines, 449 Federal Building, Albany 1, New York, a sworn statement of your transactions in and uses and destructions of explosives and ingredients of explosives beginning with the date of this order and ending with the final sale or other disposition or use or destruction of the explosives and ingredients of explosives as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location on the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind manufactured by you and the dates on which manufactured, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses and the numbers and dates of the Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind used by you and the dates on which used, the amount of each kind destroyed by you, the dates on which destroyed, and the places where destroyed.

4. That prior to midnight, September 16, 1944, you shall surrender all licenses issued to you under the Federal Explosives Act and all copies thereof by mailing or delivering them to A. D. Look, Engineer in Charge, United States Bureau of

Mines, 449 Federal Building, Albany 1, New York.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than Five Thousand Dollars (\$5,000), or imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 26th day of August 1944.

R. R. SAYERS,  
Director.

[F. R. Doc. 44-13359; Filed, Sept. 1, 1944;  
9:41 a. m.]

#### Office of the Secretary.

[Order 1984]

FORD COLLIERIES AND ROCHESTER AND  
PITTSBURGH COAL CO.

#### DELEGATION OF AUTHORITY

Pursuant to the provisions of Executive Order No. 9474 of August 31, 1944, the Solid Fuels Administrator for War, and the Deputy Solid Fuels Administrator for War subject to such supervision and direction as the Administrator shall from time to time determine, are hereby authorized to exercise any and all power, authority and discretion conferred upon the Secretary of the Interior, with respect to the mining properties referred to in Executive Order No. 9474, to the same extent and with the same effect as the said power, authority and discretion may be exercised directly by the Secretary of the Interior.

Dated: August 31, 1944.

[SEAL] ABE FORTAS,  
Acting Secretary of the Interior.

[F. R. Doc. 44-13413; Filed, Sept. 1, 1944;  
11:42 a. m.]

#### Solid Fuels Administration for War.

[Order No. 1983]

FORD COLLIERIES AND ROCHESTER AND  
PITTSBURGH COAL CO.

#### POSSESSION OF COAL MINES

AUGUST 31, 1944.

Pursuant to the provisions of Executive Order No. 9474 issued by the President of the United States on August 31, 1944, Government possession is hereby taken, effective forthwith, of each and all of the mines, collieries and facilities of the Ford Collieries Company, Curtisville, Pennsylvania, and the Rochester and Pittsburgh Coal Company, Indiana, Pennsylvania, and of any and all real and personal property and other assets used in connection with the operation thereof.

The Regulations for the Operation of Coal Mines Under Government Control, as amended (8 F.R. 6655, 10712, 11344, 17339) heretofore issued by the Secretary of the Interior shall be applicable to

the properties possession of which is taken by this order, except as may be otherwise directed.

Emory M. Ford is hereby designated Operating Manager for the United States for each and all of the mines, collieries and facilities of the Ford Collieries Company, and Heath S. Clark is hereby designated as Operating Manager for the United States for each and all of the mines, collieries and facilities of the Rochester and Pittsburgh Coal Company. As Operating Manager for the United States, each is authorized and directed to operate any and all such respective properties in accordance with aforementioned Regulations for the Operation of Coal Mines Under Government Control and such further directions as may from time to time be issued, and to do all things necessary and appropriate for the operation of such mines, collieries and facilities, and for the production, distribution and sale of their products.

The Operating Manager for the United States shall forthwith fly the flag of the United States at each such mine, colliery and facility, and shall display conspicuously thereat copies of a poster, reading as follows:

NOTICE: In accordance with the proclamation of the President of the United States Government possession of the mines, collieries and preparation facilities of this mining company has been taken by Order of the Secretary of the Interior.

HAROLD L. ICKES,  
Secretary of the Interior.

Dated: August 31, 1944.

[SEAL] ABE FORTAS,  
Acting Secretary of the Interior.

[F. R. Doc. 44-13412; Filed, Sept. 1, 1944;  
11:42 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Rural Electrification Administration.

[Administrative Order 853]

#### ALLOCATION OF FUNDS FOR LOANS

AUGUST 21, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Iowa 5007C2 Marshall.....	\$45,000
Iowa 5009K5 Scott.....	150,000
Iowa 5031C4 Grundy.....	50,000
Iowa 5047G6 Franklin.....	200,000
Minnesota 5015C3 Faribault.....	25,000
Minnesota 5065D2 Dakota.....	100,000
Missouri 5023C3 Lewis.....	250,000
Missouri 5030F1 Lawrence.....	85,000
Missouri 5034D1 Macon.....	120,000
Missouri 5042D1 Caldwell.....	125,000
Missouri 5050C1 Lafayette.....	120,000
Missouri 5051B1 Nodaway.....	155,000
New York 5019A2 Otsego.....	70,000
Oklahoma 5006H1 Caddo.....	158,000

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-13329; Filed, August 31, 1944;  
3:14 p. m.]

[Administrative Order 854]

#### ALLOCATION OF FUNDS FOR LOANS<sup>1</sup>

AUGUST 22, 1944.

There is hereby amended:

(a) Administrative Order No. 581, dated May 13, 1941, by changing the project designation therein given as "Arkansas 1032A1 Benton" to read "Arkansas 1032T1 Benton";

(b) Administrative Order No. 626, dated October 8, 1941, by changing the project designation therein given as "Arkansas 2032A2 Benton" to read "Arkansas 2032T3 Benton";

(c) Administrative Order No. 852, dated August 14, 1944, by changing the project designation therein given as "South Carolina 5014S7 Aiken" to read "South Carolina 5045S1 Edgefield";

(d) Administrative Order No. 562, dated March 8, 1941, by changing the project designation therein given as "Texas 1121A1 Brazos" to read "Texas 1121GT1 Brazos";

(e) Administrative Order No. 609, dated July 23, 1941, by changing the project designation therein given as "Texas 2121A2 Brazos" to read "Texas 2121GT2 Brazos";

(f) Administrative Order No. 636, dated November 10, 1941, by changing the project designation therein given as "Texas 2121GT1 Brazos" to read "Texas 2121GT3 Brazos";

(g) Administrative Order No. 785, dated November 3, 1943, by changing the project designation therein given as "Texas 4-3121GT2 Brazos" to read "Texas 4-3121GT4 Brazos."

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-13330; Filed, August 31, 1944;  
3:15 p. m.]

## DEPARTMENT OF LABOR.

### Office of the Secretary.

[WLD-31]

#### EASTERN MASSACHUSETTS STREET RAILWAY CO.

#### FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Eastern Massachusetts Street Railway Company, Boston, Massachusetts. (Case No. S-1239)

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943 published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Eastern Massachusetts Street Railway Company, Boston, Massachusetts;

I find that the transportation by the Eastern Massachusetts Street Railway Company of United States mails in the State of Massachusetts, pursuant to contract with the United States Post Office

<sup>1</sup> Orders referred to appear at 6 F.R. 2490, 9322, 1438, 3870, 5974; 8 F.R. 15990; 9 F.R. 10650.

Department is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 30th day of August 1944.

D. W. TRACY,  
Acting Secretary of Labor.

[F. R. Doc. 44-13414; Filed, Sept. 1, 1944;  
11:52 a. m.]

## CIVIL AERONAUTICS BOARD.

[Docket No. 876, et al.]

#### ADDITIONAL SERVICE; KETCHIKAN AREA IN SOUTHEASTERN ALASKA

#### NOTICE OF HEARING

In the matter of the applications (all filed pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended) of: Ellis Air Transport, Docket No. 876, for authority to conduct certain operations between Ketchikan and Annette Island Air Base via Metlakatla.

Ketchikan Air Service, Docket Nos. 912 and 913, for authority to conduct certain operations between Ketchikan and Edna Bay via intermediate points, and Ketchikan and Tamgass Harbor via Metlakatla and over an irregular route to all points in the First Judicial District of Alaska.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceedings is assigned to be held on September 14, 1944 at 10 a. m. at Ketchikan, Alaska, before Examiner Raymond W. Stough.

Dated: Anchorage, Alaska, August 26, 1944.

By the Civil Aeronautics Board.

RAYMOND W. STOUGH,  
Director, Alaska Office.

[F. R. Doc. 44-13362; Filed, Sept. 1, 1944;  
10:20 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5859]

#### MINNESOTA BROADCASTING CORP.

#### ORDER STATING HEARING ISSUES

In re application of Minnesota Broadcasting Corporation (WTCN), Minneapolis, Minnesota, for construction permit. File No. B4-P-2439.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of August, 1944;

The Commission having under consideration the application of Minnesota Broadcasting Corporation (WTCN), Minneapolis, Minnesota, for construction permit (File No. B4-P-2439; Docket No. 5859) and the proceedings held thereon; and

It appearing, that, on January 26, 1944, and subsequent to the hearing held

on said application, the Commission adopted a supplemental statement of policy concerning applications for permits to construct or change radio stations, which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

*It is, therefore, ordered,* That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

(1) To determine whether the representations made on behalf of the applicant in its application and the hearing previously held thereon remain in force and effect and are now applicable;

(2) To determine whether a grant of the application of Minnesota Broadcasting Corporation (WTCN) will serve an outstanding public need or national interest;

(3) To determine whether, after due consideration of the policies and orders of the War Production Board and the facts with respect to existence or availability of necessary materials, there is reasonable prospect that the proposed operation in the vicinity in question can be provided for without substantial delay;

(4) To determine whether the granting of this application would be consistent with the Commission's supplemental statement of policy concerning applications for permits to construct or change radio stations, dated January 26, 1944; and

(5) To determine whether, in view of the facts shown on all of the issues, public interest, convenience or necessity would be served by the granting of this application, the application of WHB Broadcasting Company (WHB), Kansas City, Missouri (Docket No. 6022) or either of them.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-13393; Filed, Sept. 1, 1944;  
10:56 a. m.]

[Docket No. 6022]

WHB BROADCASTING CO.

ORDER STATING HEARING ISSUES

In re application of WHB Broadcasting Company (WHB) Kansas City, Missouri, for construction permit. File No. B4-P-2873.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of August, 1944;

The Commission having under consideration the petitions of WHB Broadcasting Company (WHB), Kansas City, Missouri, for grant of its application for construction permit (File No. B4-P-2873; Docket No. 6022) and the proceedings heretofore on said application; and

It appearing, that, on January 26, 1944, and subsequent to the hearing held on said application, the Commission adopted a supplemental statement of policy concerning applications for permits to construct or change radio stations, which

necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

*It is, therefore, ordered,* That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

(1) To determine whether the representations made on behalf of the applicant in its application and the hearing previously held thereon remain in force and effect and are now applicable;

(2) To determine whether a grant of the application of WHB Broadcasting Company (WHB) will serve an outstanding public need or national interest;

(3) To determine whether, after due consideration of the policies and order of the War Production Board and the facts with respect to existence or availability of necessary materials, there is reasonable prospect that the proposed operation in the vicinity in question can be provided for without substantial delay;

(4) To determine whether the granting of this application would be consistent with the Commission's supplemental statement of policy concerning applications for permits to construct or change radio stations, dated January 26, 1944; and

(5) To determine whether, in view of the facts shown on all of the issues, public interest, convenience or necessity would be served by the granting of this application, the application of Minnesota Broadcasting Corporation (WTCN), Minneapolis, Minnesota (Docket No. 5859) or either of them.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION.  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-13394; Filed, Sept. 1, 1944;  
10:56 a. m.]

[Docket No. 6659]

MISSISSIPPI BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of Mississippi Broadcasting Company, Inc. (New); date filed, June 17, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Jackson, Mississippi; operating assignment specified: frequency, 1240 kc; power, 100 watts; hours of operation, unlimited. File No. B3-P-3642.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing to be consolidated with the applications of Birney Imes, Docket No. 6596 and Mississippi Broadcasting Co., Inc., Docket No. 6659, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast services are available to those areas and populations.

3. To determine the character of service proposed to be rendered by the applicant and whether it will meet the requirements of the populations and areas proposed to be served.

4. To determine the qualifications and character of the personnel who will be employed to operate the proposed station.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of Station WGRM, Greenwood, Mississippi, as well as the areas and populations which would be affected thereby and the nature of other broadcast service available to those areas and populations.

6. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of a new station at Meridian, Mississippi, as proposed in the application of Birney Imes, Jr. (File No. B3-P-3588; Docket No. 6596), as well as the areas and populations which would be affected thereby and the nature of other broadcast service available to those areas and populations.

7. To determine (1) whether the proposed operation would be consistent with the provisions of the rules and regulations of this Commission and the conditions and standards prescribed in the Communications Act of 1934, as amended; (2) the facts concerning the existence or availability of materials necessary to construct and operate the proposed station; and (3) whether there is a reasonable prospect that the proposed operation could be provided for without substantial delay, as required by the Commission's supplemental statement of policy of January 26, 1944.

8. To determine whether the proposed radiating system complies with the standards of good engineering practice, particularly with reference to the height of the vertical lead.

9. To determine whether a grant of the application would constitute a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether, in view of the facts adduced under the foregoing issues and the issues in Docket No. 6596, public interest, convenience and necessity would be served through the granting of this application, the application of Birney Imes, Jr., or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows:  
Mississippi Broadcasting Co., Inc., %  
D. W. Gavin, P. O. Box 591, Meridian,  
Mississippi.

Dated at Washington, D. C., August  
28, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-13395; Filed, Sept. 1, 1944;  
10:56 a. m.]

[Docket No. 6659]

MISSISSIPPI BROADCASTING CO., INC.

#### NOTICE OF HEARING

In re application of Mississippi Broad-  
casting Company, Inc. (New); date filed,  
May 8, 1944; for construction permit;  
class of service, broadcast; class of sta-  
tion, broadcast; location, Macon, Mis-  
sissippi; operating assignment specified:  
frequency, 1240 kc; power, 250 watts;  
hours of operation, unlimited. File No.  
B3-P-3612.

You are hereby notified that the Com-  
mission has examined the application in  
the above-entitled case and has desig-  
nated the matter for hearing in consoli-  
dation with the applications of Birney  
Imes, Docket No. 6596 and Mississippi  
Broadcasting Co., Inc., Docket No. 6658,  
for the following reasons:

1. To determine the legal, technical,  
financial and other qualifications of the  
applicant to construct and operate the  
proposed station.

2. To determine the areas and popu-  
lations which would receive primary ser-  
vice from the operation of the proposed  
station and what other broadcast ser-  
vices are available to those areas and  
populations.

3. To determine the character of ser-  
vice proposed to be rendered by the ap-  
plicant, whether it will meet the require-  
ments of the populations and areas pro-  
posed to be served, and whether economic  
support is available for the proposed op-  
eration.

4. To determine the qualifications and  
character of the personnel who will be  
employed to operate the proposed station.

5. To determine whether the granting  
of the application would be consistent  
with the policy announced by the Com-  
mission in its memorandum opinion of  
April 27, 1942 and supplements thereto.

6. To determine the nature, extent and  
effect of any interference which would  
result from the simultaneous operation  
of the applicant's proposed station and  
from the operation of a new station at  
Meridian, Mississippi, as proposed in the  
application of Birney Imes, Jr. (File No.  
B3-P-3588; Docket No. 6596), as well as  
the areas and populations which would  
be affected thereby and the nature of  
other broadcast service available to those  
areas and populations.

7. To determine whether a grant of the  
application would constitute a fair, effi-  
cient and equitable distribution of radio  
service as contemplated by section

307 (b) of the Communications Act of  
1934, as amended.

8. To determine whether, in view of  
the facts adduced under the foregoing  
issues, and the issues in Docket No. 6596,  
public interest, convenience and neces-  
sity would be served through the grant-  
ing of this application, the application of  
Birney Imes, Jr., or either of them.

The application involved herein will  
not be granted by the Commission unless  
the issues listed above are determined in  
favor of the applicant on the basis of a  
record duly and properly made by means  
of a formal hearing.

The applicant is hereby given the op-  
portunity to obtain a hearing on such  
issues by filing a written appearance in  
accordance with the provisions of  
§ 1.382 (b) of the Commission's rules of  
practice and procedure. Persons other  
than the applicant who desire to be heard  
must file a petition to intervene in ac-  
cordance with the provisions of § 1.102  
of the Commission's rules of practice and  
procedure.

The applicant's address is as follows:  
Mississippi Broadcasting Co., Inc., %  
D. W. Gavin, P. O. Box 591, Meridian,  
Mississippi.

Dated at Washington, D. C., August 28,  
1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-13396; Filed, Sept. 1, 1944;  
10:56 a. m.]

[Docket No. 6660]

EVANSVILLE ON THE AIR, INC.

#### NOTICE OF HEARING

In re application of Evansville On The  
Air, Inc. (WGBF); date filed, July 24,  
1944; for renewal of license; class of  
service, broadcast; class of station,  
broadcast; location, Evansville, Indiana;  
operating assignment specified: fre-  
quency, 1280 kc; power, 1 kw Night, 5  
kw Day; hours of operation, unlimited.  
File No. B4-R-490.

You are hereby notified that the Com-  
mission has examined the application in  
the above-entitled case and has desig-  
nated the matter for hearing, for the  
following reasons:

1. To determine whether Station  
WGBF renders primary service to a sub-  
stantial portion of the primary service  
of Station WEOA.

2. To determine whether Station  
WEOA renders primary service to a sub-  
stantial portion of the primary service  
of Station WGBF.

3. To determine whether a grant of  
the instant application would be con-  
sistent with the provisions of § 3.35 of  
the Commission's regulations.

4. To determine whether, in view of  
the facts adduced under the foregoing  
issues, public interest, convenience or  
necessity would be served through the  
granting of this application.

The application involved herein will  
not be granted by the Commission unless

the issues listed above are determined in  
favor of the applicant on the basis of  
a record duly and properly made by  
means of a formal hearing.

The applicant is hereby given the op-  
portunity to obtain a hearing on such is-  
sues by filing a written appearance in  
accordance with the provisions of § 1.382  
(b) of the Commission's rules of prac-  
tice and procedure. Persons other than  
the applicant who desire to be heard  
must file a petition to intervene in ac-  
cordance with the provisions of § 1.102  
of the Commission's rules of practice and  
procedure.

The applicant's address is as follows:  
Evansville On The Air, Inc., Radio Sta-  
tion WGBF, 519 Vine Street, Evansville,  
Indiana.

Dated at Washington, D. C., August  
28, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-13397; Filed, Sept. 1, 1944;  
10:56 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-546]

EMPIRE GAS AND FUEL CO.

ORDER FIXING DATE OF HEARING

AUGUST 31, 1944.

Upon consideration of the application  
filed May 13, 1944, as supplemented by  
Empire Gas and Fuel Company, a Penn-  
sylvania corporation having its principal  
place of business at Wellsville, New York,  
for a certificate of public convenience  
and necessity under section 7 of the  
Natural Gas Act, as amended, for au-  
thority to acquire and operate the fol-  
lowing described facilities:

Approximately 8.1 miles of eight-inch  
line, beginning at a point of connection  
with the New York State Natural Gas  
Corporation pipe line at the Carpenter  
Farm, Hebron Township, Pennsylvania,  
and extending in a northeasterly direc-  
tion to connect with applicant's six-inch  
pipe line at Holmes Junction, Oswayo  
Township, Potter County, Pennsylvania.

The Commission orders, That:

(a) A public hearing be held com-  
mencing on September 12, 1944, at 10  
a. m. (e. w. t.) in the Hearing Room of  
the Federal Power Commission, 1757 K  
Street NW., Washington, D. C., respecting  
the matters involved and the issues pre-  
sented in this proceeding.

(b) Interested State commissions may  
participate in this hearing, as provided  
in § 67.4 of the provisional rules of prac-  
tice and regulations under the Natural  
Gas Act.

By the Commission.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 44-13411; Filed, Sept. 1, 1944;  
11:40 a. m.]

[Docket No. G-563]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 31, 1944.

Upon consideration of the application filed July 31, 1944, by United Natural Gas Company, a Pennsylvania corporation having its principal place of business at Oil City, Pennsylvania, for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of approximately 37½ miles of 12¾-inch O. D. pipe line beginning at the point of delivery of gas to it near the Ellwood City compressing station of The Manufacturers Light and Heat Company in Beaver County, Pennsylvania, and extending in a northerly direction to Applicant's Mineral compressing station in Venango County, Pennsylvania; *the Commission orders, That:*

(a) A public hearing be held, commencing on September 11, 1944, at 10 a. m. (e. w. t.) in the hearing room of the Federal Power Commission, 1757 K Street, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(b) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.[F. R. Doc. 44-13410; Filed, Sept. 1, 1944;  
11:40 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4851]

B. C. REMEDY CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, September 6, 1944, at ten o'clock in the forenoon of that day (central standard time), in Federal Court Room, Post Office Building, Tuscaloosa, Alabama.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately

to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 44-13363; Filed, Sept. 1, 1944;  
10:18 a. m.]

[Docket No. 4855]

STANBACK CO., LTD., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of August, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, September 8, 1944, at ten o'clock in the forenoon of that day (central standard time) in Federal Court Room, Post Office Building, Tuscaloosa, Alabama.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law, and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 44-13364; Filed, Sept. 1, 1944;  
10:18 a. m.]

[Docket No. 4885]

FRESCO LABORATORIES

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1944.

In the matter of Chester D. French, an individual doing business under the name and style of Fresco Laboratories.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, October 26, 1944, at ten o'clock in the forenoon of that day (Pacific standard time) in Court Room 479, Department 8, Fourth Floor, City Hall, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 44-13365; Filed, Sept. 1, 1944;  
10:18 a. m.]

[Docket No. 4896]

INTERNATIONAL TRADING CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of International Trading Corporation, a corporation, and George W. Nelson, individually and as president of International Trading Corporation.

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 9, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 44-13366; Filed, Sept. 1, 1944;  
10:19 a. m.]

[Docket No. 4904]

## SUPER-COLD CORP.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 23, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in Court Room 479, Department 8, Fourth Floor, City Hall, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-13367; Filed, Sept. 1, 1944;  
10:19 a. m.]

[Docket No. 4944]

## SUPERBILT MFG. CO., INC.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 2, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in room 526, New United States Court House, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial ex-

aminer will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-13368; Filed, Sept. 1, 1944;  
10:19 a. m.]

[Docket No. 5046]

## IMPERIAL CANDY CO.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Saturday, October 7, 1944, at two o'clock in the afternoon of that day (Pacific standard time), in room 506, United States Court House, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-13369; Filed, Sept. 1, 1944;  
10:19 a. m.]

[Docket No. 5064]

## R. C. MILLER AND CO., AND MARIE LEIBLINGER AND CO.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1944.

In the matter of R. C. Miller, an individual trading as R. C. Miller and Company, and Marie Leiblinger and Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, November 6, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in room 203, Federal Building, Pasadena, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-13370; Filed, Sept. 1, 1944;  
10:19 a. m.]

[Docket No. 5095]

## GRAND RAPIDS FURNITURE HOUSE

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1944.

In the matter of Joseph Fried, an individual, trading and doing business as Grand Rapids Furniture House.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, November 3, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-13371; Filed, Sept. 1, 1944;  
10:20 a. m.]

[Docket No. 5196]

## WASHINGTON BREEDERS ASSN.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of August A. D. 1944.

In the matter of Norman Collins and Roy Montgomery, individuals trading as Washington Breeders Association.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 4, 1944, at ten o'clock in the forenoon of that day (Pacific standard time), in room 506, United States Court House, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts, conclusions of facts, conclusions of law and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-13372; Filed, Sept. 1, 1944;  
10:20 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4021]

## ADOLPH MARCUS

In re: Estate of Adolph Marcus, deceased; File No. D-66-1746; E. T. sec. 10520.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by David Marcus, Esq., 20 Lombardi Street, Newark, New Jersey, Administrator, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Roumania, namely,

## Nationals and Last Known Address

Betty Feder, Roman, Roumania.  
Pesa Berkowitz, Roman, Roumania.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the na-

tional interest of the United States requires that such persons be treated as nationals of a designated enemy country, Roumania; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Betty Feder and Pesa Berkowitz, and each of them in and to the estate of Adolph Marcus, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13378; Filed, Sept. 1, 1944;  
10:40 a. m.]

[Vesting Order 4022]

## MARGARET NOTTROTT, ET AL.

In re: United States of America, Plaintiff, vs. Certain Land situate in the City of St. Louis, State of Missouri, in Block 5728, Known as Tract No. 108, and Margaret Nottrott, etc., et al., Defendants; File F-28-15022; E. T. sec. 9834.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James J. O'Connor, Clerk of the United States District Court, Eastern Judicial District of Missouri, Eastern Division, Depositary, acting under the judicial supervision of the United States District Court, Eastern District of Missouri, Eastern Division;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals

of a designated enemy country, Germany, namely,

## Nationals and Last Known Address

Margaret Nottrott, also known as Margaret Nottrott Peetz, Germany.  
Carl Peetz, Germany.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of \$301.58 in the possession of James J. O'Connor, Clerk of the United States District Court, Eastern Judicial District of Missouri, Eastern Division, as Depositary, and which was ordered paid to the Alien Property Custodian of the United States in an Order of Final Distribution dated April 28, 1944, entered by the United States District Court, Eastern District of Missouri, Eastern Division, in a proceeding entitled United States of America, Plaintiff, vs. Certain Land situate in the City of St. Louis, State of Missouri, in Block 5728, Known as Tract No. 108, and Margaret Nottrott, etc., et al., Defendants,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13379; Filed, Sept. 1, 1944;  
10:40 a. m.]

[Vesting Order 4023]

## AUGUSTE STOLZ OERTEL

In re: Estate of Auguste (Augusta) Stolz Oertel, also known as Augusta Stolz, deceased; File No. D-28-8231; E. T. sec. 9293.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by Otto Leiber, 2622 Windsor Avenue, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of Cook County, State of Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Bertha Hensgen, Germany.  
Gustav Lill, Germany.  
Fritz Lill, Germany.  
Lina Polenber (Potenberg), Germany.  
Auguste (Augusta) Boettcher nee Midtke, Germany.  
Otto Oertel, Germany.

**And determining that—**

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Bertha Hensgen, Gustav Lill, Fritz Lill, Lina Polenber (Potenberg), Auguste (Augusta) Boettcher nee Midtke, and Otto Oertel, and each of them, in and to the estate of Auguste (Augusta) Stolz Oertel, also known as Augusta Stolz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

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the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13380; Filed, Sept. 1, 1944;  
10:40 a. m.]

[Vesting Order 4024]

HERMAN ROGGE

In re: Estate of Herman Rogge, deceased; File D-28-8812; E. T. sec. 10813.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hermann Rogge, Sr. and Mrs. Hermann Rogge, Sr., and each of them, in and to the Estate of Herman Rogge, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Hermann Rogge, Sr., Germany.  
Mrs. Hermann Rogge, Sr., Germany.

That such property is in the process of administration by D. B. Gannon, as Administrator of the Estate of Herman Rogge, acting under the judicial supervision of the County Court of Dallas County, Dallas, Texas;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein con-

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13381; Filed, Sept. 1, 1944;  
10:40 a. m.]

[Vesting Order 4025]

JULIA ROTHSCHILD

In re: Estate of Julia Rothschild, deceased; File D-28-3734; E. T. sec. 6305.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by Gus Hirschland, 315 Washington Street, St. Louis, Missouri, Executor, acting under the judicial supervision of the Probate Court of Greene County, Missouri;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Segfreid (Segfrid) Feist, Germany.  
Clara Feist, Germany.  
Malchen Feist Isadore, Germany.  
Jennie Feist Kaufman, Germany.  
Matilda Feist, Germany.  
Leopold Feist, Germany.

**And determining that—**

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Segfreid (Segfrid) Feist, Clara Feist, Malchen Feist Isadore, Jennie Feist Kaufman, Matilda Feist and Leopold Feist, and each of them, in and to the estate of Julia Rothschild, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the

Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13382; Filed, Sept. 1, 1944;  
10:41 a. m.]

[Vesting Order 4026]

ERNST RUHNOW

In re: Estate of Ernst Ruhnnow, deceased; File D-28-7482; E. T. sec. 7641.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louise Goltz, 5939 South Troy Street, Chicago, Illinois, Administratrix, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

George Ruhnnow, Germany.  
Hertha Ruhnnow, Germany.  
Kathe Ruhnnow, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Ruhnnow, Hertha Ruhnnow and Kathe Ruhnnow, and each of them, in and to the estate of Ernst Ruhnnow, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13383; Filed, Sept. 1, 1944;  
10:41 a. m.]

[Vesting Order 4027]

EMILIE SCHMIDT

In re: Trust under the will of Emilie Schmidt, deceased; File D-28-5595; E. T. sec. 1697.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Ida Schmidt and Amanda Kolhaas, and each of them, in and to the trust estate created under the last will and testament of Emilie Schmidt, deceased,

is properly payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Ida Schmidt, Germany.  
Amanda Kolhaas, Germany.

That such property is in the process of administration by E. T. H. Talmage and Ferdinand Jelke as Trustees acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13384; Filed, Sept. 1, 1944;  
10:41 a. m.]

[Vesting Order 4028]

MARY STAGER

In re: Estate of Mary Stager or Miss Mary Stager or Mary A. Stager, deceased; File No. 017-3890.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry M. Stager, as administrator, acting under the judicial supervision of the Court of Probate, District of Hartford, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

*Nationals and Last Known Address*

Heim Vendelne Steger Julianna (sometimes known as Julia Heim, also known as Vendelne Heim or Vendelne Heim, and known, before marriage, as Julianna Steger); Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Heim Vendelne Steger Julianna (sometimes known as Julia Heim, also known as Vendelne Heim or Vendelne Heim, and known, before marriage, as Julianna Steger) in and to the estate of Mary Stager or Miss Mary Stager or Mary A. Stager, late of Hartford, Connecticut, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13385; Filed, Sept. 1, 1944;  
10:41 a. m.]

[Vesting Order 4029]

MATHILDA WIDMANN

In re: Estate of Mathilda Widmann, also known as Mathilde Widmann, deceased; File D-28-2393; E. T. sec. 3368.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Kelly, 916 University Boulevard, Mitchell, South Dakota, Executrix, acting under the judicial supervision of the County Court of the State of South Dakota, in and for the County of Davison;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marta Metcher (Melcher), Reutlingen, Waiblinger St. 4 Wurttemberg, Germany.  
Berta Engel, Reutlingen, Waiblinger St. 4 Wurttemberg, Germany.

Karl Bosler, Reutlinger, Waiblinger, Garten at 77, Germany.

Mathilde Engel, Reutlingen, Germany.  
Gertrude Marlene Metcher, Reutlingen, Germany.

Charlotte Metcher, Reutlingen, Germany.  
Alfred Metcher, Munich, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Marta Metcher (Melcher), Berta Engel, Karl Bosler, Mathilde Engel, Gertrude Marlene Metcher, Charlotte Metcher, and Alfred Metcher, and each of them, in and to the estate of Mathilda Widmann, also known as Mathilde Widmann, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 16, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13386; Filed, Sept. 1, 1944;  
10:42 a. m.]

[Vesting Order 4040]

ANTON JURAN

In re: Estate of Anton Juran, also known as Tony Juran, deceased; File: D-66-1669; E. T. sec. 10225.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jack K. Ransom, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Stanislaus;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Albina Juran, Germany.  
Albert Juran, Germany.  
Maria Zeleny, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albina Juran, Albert Juran, and Maria Zeleny, and each of them, in and to the Estate of Anton Juran, also known as Tony Juran, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 17, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13387; Filed, Sept. 1, 1944;  
10:42 a. m.]

[Vesting Order 4041]

FREDERICK W. RONNAU

In re: Estate of Frederick W. Ronnau, also known as Fred Ronnau, F. W. Ron-

nau, Bill Reno and William Reno, deceased; File D-28-2354; E. T. sec. 3536.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests herein-after described are property which is in the process of administration by John Garibaldi, Administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Sacramento;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

**National and Last Known Address**

Toni D. Ronnau, Germany.

**And determining that—**

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Toni D. Ronnau, in and to the estate of Frederick W. Ronnau, also known as Fred Ronnau, F. W. Ronnau, Bill Reno and William Reno, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 17, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13388; Filed, Sept. 1, 1944;  
10:42 a. m.]

[Vesting Order 4042]

MINNIE RUMMELSBURG

In re: Estate of Minnie Rummelsburg, deceased; File D-28-8605; E. T. sec. 10245.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur H. Rummelsburg and Morris H. Rummelsburg, Executors, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

**National and Last Known Address**

Isadore Rummelsburg, Germany.

**And determining that—**

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Isadore Rummelsburg, in and to the estate of Minnie Rummelsburg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: August 17, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13389; Filed, Sept. 1, 1944;  
10:42 a. m.]

[Vesting Order 4046]

KATHARINE JOHNSON ASHE

In re: Estate of Katharine Johnson Ashe, deceased; File D-28-8872; E. T. sec. 11010.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Olga Beauharnais or her heirs and Xenia Beauharnais or her heirs, and each of them, in and to the Estate of Katharine Johnson Ashe, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

**Nationals and Last Known Address**

Olga Beauharnais or her heirs, Germany.  
Xenia Beauharnais or her heirs, Germany.

That such property is in the process of administration by The Exchange National Bank of Colorado Springs as Executor of the Estate of Katharine Johnson Ashe, acting under the judicial supervision of the County Court of El Paso County, State of Colorado;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-13390; Filed, Sept. 1, 1944;  
10:42 a. m.]

[Vesting Order 4047]

CLAUS DEEDE

In re: Estate of Claus Deede, also known as Charles Deede, deceased; File D-28-4044; E. T. sec. 7009.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chris Siems, Executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Herman Wehrenberg, Germany.  
Christopher Deede, Germany.  
Maria Schmidt, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herman Wehrenberg, Christopher Deede and Maria Schmidt, and each of them, in and to the Estate of Claus Deede, also known as Charles Deede, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive order.

Dated: August 21, 1944.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 44-13391; Filed, Sept. 1, 1944;  
10:43 a. m.]

[Vesting Order 4048]

GEORGE JACOB DIENSTDORF

In re: Estate of George Jacob Dienstdorf deceased; File D-28-7900; E. T. sec. 8669.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mary Dienstdorf, Peter Dienstdorf, Elsa Pfeiffer, Minna Pfeiffer and Joseph Dienstdorf, and each of them, in and to the estate of George Jacob Dienstdorf, Deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Mary Dienstdorf, Germany.  
Peter Dienstdorf, Germany.  
Elsa Pfeiffer, Germany.  
Minna Pfeiffer, Germany.  
Joseph Dienstdorf, Germany.

That such property is in the process of administration by Roland Dillg, 6300 Lincoln Avenue, Morton Grove, Illinois, as Executor of the estate of George Jacob Dienstdorf, Deceased, acting under the judicial supervision of the Probate Court, County of Cook, State of Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1944.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 44-13392; Filed, Sept. 1, 1944;  
10:43 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.-298]

### COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ATLANTA, GA., AND BIRMINGHAM, ALA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,<sup>1</sup> a copy of which plan is attached hereto as Appendix 2,<sup>2</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or

<sup>1</sup> 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778.

<sup>2</sup> Filed as part of the original document.

bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 5, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

#### APPENDIX 1

Hoover Motor Express Co., Inc., 415 South 5th Avenue, Nashville, Tennessee.

Great Southern Trucking Co. (a corporation), 1863 Clarkson Street, Jacksonville, Fla.

United Motor Freight Terminal, Inc., 1701 1st Avenue South, Birmingham, Ala.

Jack Cole Co., Inc., 3012 5th Avenue South, Birmingham, Ala.

Deaton Truck Line, Inc., 1022 North 19th Street, Birmingham, Ala.

Howard Hall Co., Inc., 2809 South 2nd Avenue, Birmingham, Ala.

[F. R. Doc. 44-13373; Filed, Sept. 1, 1944; 10:35 a. m.]

[Supp. Order ODT 3, Rev. 299]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS IN EASTERN UNITED STATES

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall

apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

<sup>1</sup> Filed as part of the original document.

This order shall become effective September 5, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

#### APPENDIX 1

Chernock Transfer Co., Inc., 2014 North Charles Street, Baltimore, Md.

William J. Teal, doing business as Apex Universal Van Service, 2547 Pennsylvania Avenue, Baltimore, Md.

Carl F. Weber, doing business as Weber's Van & Storage Co., 7820 Old Harford Road, Baltimore, Md.

[F. R. Doc. 44-13374; Filed, Sept. 1, 1944; 10:35 a. m.]

[Supp. Order ODT 3, Rev. 300]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN ATLANTA AND NEWNAN, GA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect under further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the

<sup>1</sup> Filed as part of the original document.

shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 5, 1944, and shall remain in full

force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

#### APPENDIX I

Great Southern Trucking Co. (a corporation), 1863 Clarkson Street, Jacksonville, Fla.  
Harvey Coley Pike, doing business as H. C. Pike Transfer Co., Newnan, Ga.

[F. R. Doc. 44-13375; Filed, Sept. 1, 1944; 10:35 a. m.]

[Supp. Order ODT 3, Rev. 302]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS IN OKLAHOMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved,

the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 5, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Frisco Transportation Co. (a corporation),  
Chase and Lyon Streets, Springfield, Mo.  
L. D. Tindall, Earl Powers and W. H. Mayo,  
doing business as O. C. & E. Motor Freight  
Lines, Okemah, Okla.

[F. R. Doc. 44-13376; Filed, Sept. 1, 1944;  
10:36 a. m.]

[Supp. Order ODT 3, Rev. 304]

## COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NASHVILLE, TENN., AND LOUISVILLE, KY.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in viola-

tion of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 5, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Hayes Freight Lines, Inc., 119 North 15th Street, Mattoon, Ill.

Hoover Motor Express Co., Inc., 414 Fifth Avenue, South, Nashville, Tenn.

Johnson Freight Lines, Inc., 1911 Central Avenue, Chattanooga, Tenn.

Silver Fleet Motor Express, Inc., 216 East Pearl Street, Louisville, Ky.

[F. R. Doc. 44-13377; Filed, Sept. 1, 1944;  
10:36 a. m.]

<sup>1</sup> Filed as part of the original document.

## OFFICE OF PRICE ADMINISTRATION.

## Regional and District Office Orders.

[Rhode Island Order 1 Under Restaurant  
MPR 2]

## POSTING REQUIREMENTS IN RHODE ISLAND

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the State Director of the Rhode Island State Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

**SECTION 1. Posting requirements.** If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

**SEC. 2. Filing of lists of posted prices.** When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a

conference, so that corrections can be made.

**SEC. 3. Replacement of posters.** If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

**SEC. 4. Geographical applicability.** The provisions of this order extend to all eating and drinking establishments located within the State of Rhode Island.

**SEC. 5. Exemptions.** All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

**NOTE:** The reporting and record-keeping provisions of this Order No. 1 have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

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

Issued this 1st day of August 1944.

CHRISTOPHER DEL SESTO,  
State Director.

## APPENDIX A—LIST OF FORTY FOOD ITEMS

## Appetizer:

Tomato juice.  
Fruit juice.  
Fruit cocktail.

## Soups:

Vegetable soup.  
Consomme.  
Fish chowder.

## Egg dishes:

Two eggs (any style).

Fish entrees:<sup>1</sup>

Filet of flounder.  
Broiled mackerel.  
Boiled schrod.

## Fish cakes.

Meat entrees:<sup>1</sup>

Liver and bacon.  
Pork chop.  
Hamburger steak.  
Roast beef.  
Roast pork.  
Roast ham.  
Corned beef hash.  
Lamb stew.  
Roast lamb.

## Sandwiches:

Ham sandwich.  
Ham and egg sandwich.  
Bacon and egg sandwich.  
American cheese sandwich.  
American cheese and jelly sandwich.  
Lettuce and tomato sandwich.  
Hamburger sandwich.  
Egg salad sandwich.

## Miscellaneous:

Pork and beans.  
Vegetable plate.  
Cereals (hot or cold).

## Salads:

Fruit salad.  
Vegetable salad.

<sup>1</sup> Entrees include vegetables as in the period of April 4-10, 1943.

## Desserts:

Apple pie.  
Custard pie.  
Ice cream.  
Pudding.

## Beverages:

Hot tea.  
Milk.  
Hot coffee (cup or pot).

[F. R. Doc. 44-13219; Filed, August 31, 1944;  
9:26 a. m.]

[Region I Order G-70 Under RMPR 122,  
Amdt. 9]

## SOLID FUELS IN BOSTON, MASS.

Amendment No. 9 to Order No. G-70 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specific maximum prices for solid fuels within specified areas in Region I.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, subparagraph (9) containing Appendix 9, is hereby added to paragraph (c) of Region I Order No. G-70 under Revised Maximum Price Regulation No. 122 to read as follows:

(c) Appendices establishing specific maximum prices \* \* \*

(9) Appendix 9—Specified solid fuels; metropolitan Boston area—(a) Maximum prices established by this Appendix 9. This Appendix 9 establishes specific maximum prices for sales of Pennsylvania anthracite, ambricoal, New England coke, Malden coke and Lynn coke in the Metropolitan Boston Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said solid fuel. Price Schedule I contains prices for sales of Pennsylvania anthracite and ambricoal on a delivered basis; Price Schedule II contains prices for yard sales of Pennsylvania anthracite and ambricoal to consumers; Price Schedule III sets forth prices for yard sales of Pennsylvania anthracite and ambricoal to dealers; Price Schedules IV, V, and VI set forth prices for various kinds of sales of New England, Malden and Lynn coke; and Price Schedule VII sets forth prices for various kinds of sales of ambricoal in 25 pound paper bags.

The Metropolitan Boston Area includes the following cities and towns in the Commonwealth of Massachusetts: Arlington, Ashland, Belmont, Boston, Braintree, Brookline, Cambridge, Chelsea, Dedham, Dover, Everett, Framingham, Hingham, Holliston, Lexington, Malden, Medford, Melrose, Milton, Natick, Needham, Newton, Quincy, Reading, Revere, Sherborn, Somerville, Stoneham, Sudbury, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Weymouth, Winchester, Winthrop and Woburn.

(b) Maximum prices for Pennsylvania anthracite and ambricoal (except in 25 pound paper bags)—(1) Price Schedule

I: Sales on a delivered basis—(a) Maximum prices for sales on a "direct delivery" basis to consumers at any point in the Metropolitan Boston Area.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	\$16.10	\$8.55	\$4.65	\$0.95
Pea	14.15	7.00	4.15	.85
Buckwheat	12.40	6.70	3.70	
Rice	11.25	6.15	3.45	
Barley	10.25	5.65	3.20	
Yard screenings	6.50			
Ambricoal	14.80	7.90	4.35	.90

(b) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by 50¢ per ton, which reduction is a "cash discount." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than 1 ton lots) within 10 days thereafter, terms shall be net 30 days.

(c) *Maximum authorized service and deposit charges.* (i) If the buyer requests such services of him, the dealer may make the following charges for carry or wheel service.

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point outside the structure in which the coal is to be stored to such structure, including dumping from the outside into said structure	50	25	15
For any carry inside of said structure to point of storage, except carries up flights of stairs	25	15	10
For any carry up flight of stairs and to point of storage, per flight	50	25	15

(ii) The maximum prices per 100 pounds include carrying in bags from dealer's truck or wagon to point of storage on street level. For any carry either up or down flights of stairs, the maximum charge shall be 10 cents per flight.

(iii) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(2) *Price Schedule II: Yard sales to consumers.* (a) Maximum prices for sales delivered at the yard of any dealer

in the Metropolitan Boston Area to consumers:

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	\$14.10	\$7.80	\$3.90	\$0.85
Pea	12.15	6.80	3.40	.75
Buckwheat	10.40	6.00	3.00	.65
Rice	9.25	5.45	2.75	.60
Barley	8.25	4.95	2.50	
Yard screenings	5.00			
Ambricoal	12.80	7.00	3.50	.75

(b) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days for net 10 days E. O. M.

(c) *Maximum authorized bagging and deposit charges.* (i) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging quarter-ton and larger quantities in 100 pound bags:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(ii) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by him shall be 25 cents per bag.

(3) *Price Schedule III: Yard sales to dealers.* (a) Maximum prices for sales delivered at the yard of any dealer in the Metropolitan Boston Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut	\$13.60	\$7.05	\$3.55	\$0.75
Pea	11.65	6.05	3.05	.65
Buckwheat	9.90	5.25	2.65	.60
Rice	8.75	4.70	2.35	.55
Barley	7.75	4.15	2.10	
Yard screenings	5.00			
Ambricoal	12.30	6.75	3.40	.75

(b) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(c) *Maximum authorized bagging and deposit charges.* (i) The maximum prices per 100 pounds are for 100 pounds bagged but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(ii) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by him shall be 25 cents per bag.

(4) *Certain named Pennsylvania anthracite coals.* The specific maximum prices set forth above for Pennsylvania anthracite may be increased by the following amounts when the following sizes of listed named Pennsylvania anthracite coals are sold.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Jeddo Highland:				
Broken, egg, stove, chestnut, and pea	\$0.50	\$0.25	\$0.10	\$0.05
Buckwheat and rice	.25	.10	.05	
Franklin:				
Broken and chestnut	.75	.35	.20	.10
Egg	1.00	.50	.25	.10
Stove	1.25	.60	.30	.10
Rice	.10	.05	None	None
Greenwood:				
Egg, stove, chestnut, and pea	.25	.15	.05	None
Salem Hill:				
Egg and stove	.85	.45	.20	.05
Chestnut	.45	.25	.10	None
Brooder nut	.70	.35	.20	.05
Pea	.40	.20	.10	None
Rice	.20	.10	.05	None
Silver Brook:				
Broken, egg, stove, chestnut, pea and buckwheat	.45	.25	.10	None
Rice	.35	.20	.10	None
Leggitts Creek or Black Stork:				
Broken, egg, stove, chestnut and pea	.65	.35	.15	None
Buckwheat	.50	.25	.15	None
Rice	.10	.05	None	None
Repplier:				
Broken, egg, stove, chestnut and pea	.50	.25	.15	None
Buckwheat, rice and barley	.40	.20	.10	None
East Bear Ridge:				
Broken, egg, stove, chestnut, pea, buckwheat and rice	.25	.15	.05	None
Barley	.15	.10	None	None
Dial Rock:				
Broken, egg, stove, chestnut, pea, buckwheat and rice	.25	.15	.05	None
Steele or Alden:				
Broken, egg, stove, chestnut, pea and buckwheat	.25	.15	.05	None
Rice	.10	.05	None	None
Raven Run, Orange Disc, or Delano: Broken, egg, stove, chestnut, pea, buckwheat and rice	.10	.05	None	None

(c) *Maximum prices for coke.* (1) The maximum prices established by this subparagraph (c) shall apply only to coke produced by the following producers:

New England Coke Co., or its affiliated producing company, at their plant located in Everett, Massachusetts.

Malden and Melrose Gas Light Co., Malden, Massachusetts.

Lynn Gas and Electric Co., Lynn, Massachusetts.

All other coke shall be priced under the appropriate provisions of Revised Maximum Price Regulation No. 122, unless and until specific prices are established by amendment of this Appendix 9.

(2) *Price Schedule IV: Maximum prices for sales of coke, in bulk, delivered into consumers' bins at any point in the Metropolitan Boston Area.*

Size	Per ton		Per ½ ton		Per ¼ ton	
	C. o. d.	Charge	C. o. d.	Charge	C. o. d.	Charge
Nut, egg, stove and furnace.....	\$14.75	\$15.25	\$8.15	\$8.40	\$4.35	\$4.50
Pea.....	12.55	13.05	7.05	7.30	3.80	3.95
Breeze.....	7.00	7.00				

Terms of sale for charge sales shall be net 30 days.

(3) *Price Schedule V: Maximum prices for "yard sales" of coke, in bulk, at the yard of any dealer in the Metropolitan Boston Area.* (a) Maximum prices for "yard sales" to dealers in fuel who resell it:

Size:	Price per net ton
Nut, Egg, Stove and Furnace.....	\$13.15
Pea.....	11.45

Less \$1.00 per ton if payment is made by the buyer within 10 days after receipt of the fuel; net 30 days.

(b) The maximum price for "yard sales" of Nut, Egg, Stove and Furnace sizes to consumers shall be \$14.25. Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(4) *Price Schedule VI: Bagged coke and coke in one bushel baskets.* (a) Prices (in cents per bag) for Coke in one-half bushel paper bags:

	Chestnut coke	Pea coke
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard.....	Cents 18	Percent 16
Sales to ultimate consumers at dealer's yard.....	20	18
Delivered to retail stores.....	20½	18½
Sales to ultimate consumers from dealer's truck, delivered.....	23	21
Sales at retail stores:		
Chain stores.....	24	22
Independent outlet.....	25	23

(b) (i) Prices for one bushel baskets of bulk coke, delivered to consumer's bin or storage facilities, and including any carry that may be necessary except carries up or down flights of stairs:

	Per bushel (cents)
Chestnut Coke.....	40
Pea Coke.....	36

(ii) The maximum charge for any carry up or down flights of stairs shall be 5 cents per bushel per flight.

(c) Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days e. o. m.

(d) *Maximum prices for ambricoal in 25 pound paper bags—(1) Price Schedule VII: Prices (in cents per bag) for ambricoal in 25 pound paper bags:*

	Cents
Sales to dealers (including retail stores), f. o. b. buyer's trucks at dealer's yard.....	18½
Sales to ultimate consumers at dealer's yard.....	20½
Delivered to retail stores.....	21
Sales to ultimate consumers from dealer's truck, delivered.....	23½
Sales at retail stores:	
Chain stores.....	24½
Independent outlet.....	25½

(2) Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(e) *Fractions of a cent.* Whenever a price established by subparagraphs (c) (4) or (d) (1) of this Appendix 9 ends in one-half of a cent, the fraction shall be treated as follows:

(1) In the case of sales to dealers, f. o. b. buyer's trucks, at dealer's yard, and sales delivered to retail stores, the total amount charged shall be adjusted to the next lower cent if an odd number of units is sold.

(2) In all other sales, including the sale of a single unit, the total amount charged may be adjusted to the next higher cent if an odd number of units is sold, *Provided, however*, That the seller shall allow the purchaser to buy an even number of units to the extent that the available supply is adequate.

This Amendment No. 9 shall become effective September 11, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August 1944.

ELDON C. SHOUP,  
Regional Administrator.

[F. R. Doc. 44-13227; Filed, August 31, 1944; 9:27 a. m.]

[Region I Order G-70 Under RMPR 122, Amdt. 10]

#### SOLID FUELS IN BERLIN, N. H., AREA

Amendment No. 10 to Order No. G-70 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specific maximum prices for solid fuels within specified areas in Region I.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, subparagraph (10), containing Appendix 10, is hereby added to paragraph (c) of Region I Order No. G-70 under Revised Maximum Price Regulation No. 122 to read as follows:

(c) *Appendices establishing specific maximum prices. \* \* \**

(10) *Appendix 10: Specified solid fuels in Berlin, New Hampshire Area—(a)*

*Maximum prices established by this Appendix 10.* This Appendix 10 establishes specific maximum prices for sales of Pennsylvania anthracite and Niagara-Hudson coke in the Berlin, New Hampshire Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said solid fuels. Price Schedule I contains prices for sales on a delivered basis and Price Schedule II contains prices for yard sales to consumers.

The Berlin, New Hampshire Area includes the following cities, towns and townships in the State of New Hampshire: Berlin, Dummer, Gorham, Milan, Randolph and Shelburne. "Niagara-Hudson Coke" means the by-product coke produced by Hudson Valley Fuel Corporation, Troy, New York.

(b) *Price Schedule I: Sales on a delivered basis—(1) Base maximum prices for sales on a "direct delivery" basis to consumers at any point in the Berlin, New Hampshire, Area.*

Kind and size	Per net ton	Per ½ ton	5-85 lb. bags	1-85 lb. bag
Pennsylvania anthracite:				
Egg, stove and chestnut.....	\$16.90	\$8.85	\$4.55	\$0.95
Pea.....	15.35	8.10	4.15	.90
Buckwheat.....	12.70	6.75	3.50	.75
Rice.....	11.65	6.25	3.25	.70
Yard screenings.....	5.50			

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	55 lb. bag
Niagara-Hudson Coke: Egg, stove and chestnut.....	\$15.80	\$8.30	\$4.25	\$0.60

(2) *Prices for specified localities.* (a) The foregoing base prices shall apply to all deliveries to consumers whose bins or storage facilities are located in Berlin, Gorham, Milan or Shelburne.

(b) The sum of fifty cents (50¢) per net ton, or twenty-five cents (25¢) per half-ton, may be added for deliveries to consumers whose bins or storage facilities are located in Dummer or Randolph.

(3) *Quantity discounts.* The foregoing per net ton prices, except that for Pennsylvania Anthracite Yard Screenings, shall be reduced by the following amounts when the purchaser orders the specified quantities for immediate delivery or for delivery at one specified time and the dealer may properly, under the regulations and orders of the Solid Fuels Administration for War, deliver the specified quantity:

Quantity (in net tons)	Discount per net ton
2 or more, but not more than 20.....	\$0.25
21 or more, but less than a carload.....	.50
Carload (not less than 30 tons).....	1.25

If the dealer may not properly deliver the specified quantity, but may deliver at least two (2) net tons, the discount applicable to the quantity which may properly be delivered shall be granted.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices for 85 pound bags (either 1 or 5) of Pennsylvania anthracite, and the maximum price for 55 pound bags of Niagara-Hudson Coke, include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of half-ton and larger quantities of Pennsylvania Anthracite, and of quarter ton and larger quantities of Niagara-Hudson Coke to the buyer's bin or storage space.

	Per net ton	Per ½ ton	Per ¼ ton of coke
For any carry or wheel from a "direct delivery" point, including the first flight of stairs, if any.....	\$0.50	\$0.25	\$0.15
For each flight of stairs after the first.....	.50	.25	.15

(c) *Price Schedule II: Yard sales to consumers—(1) Maximum prices for sales delivered at the yard of any dealer in the Berlin, New Hampshire Area to consumers.*

Kind and size	Per net ton	Per ½ ton	5-85 lb. bags	1-85 lb. bag
Pennsylvania anthracite:				
Egg, stove and chestnut.....	\$15.90	\$8.35	\$4.30	\$0.90
Pea.....	14.35	7.60	3.90	.80
Buckwheat.....	11.70	6.25	3.25	.65
Rice.....	10.65	5.75	3.00	.60
Yard Screenings.....	4.50			

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	55 lb. bag
Niagara-Hudson Coke:				
Egg, stove and chestnut.....	\$14.80	\$7.80	\$4.00	\$0.50

(2) *Quantity discounts.* The provisions of subparagraph (b) (3) shall apply to the foregoing maximum prices for yard sales to consumers.

(d) *Terms of sale.* (1) Terms of sale for Pennsylvania anthracite Yard Screenings, for less than ton lots of any other solid fuel for which specific maximum prices are established by subparagraphs (b) and (c) and for sales of carload quantities which are subject to the discount of \$1.25 per net ton provided for by subparagraphs (b) (3) and (c) (2), may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(2) In all other cases, the following "cash discounts" for payment within the periods specified shall be granted from the maximum prices set forth in subparagraphs (b) and (c), including those prices as reduced by the quantity discounts (other than the carload discount) required by subparagraphs (b) (3) and (c) (2):

Period	Cash discount per net ton
At time of delivery or within 10 days after date of delivery.....	\$0.50
After 10 days after date of delivery, but within 30 days after date of delivery.....	.25

(e) *Deposit charges.* The maximum prices for 85 pound bags of Pennsylvania anthracite and 55 pound bags of Niagara-Hudson coke including bagging, but

do not include the bag. When burlap bags are furnished by the dealer, the maximum amount which may be required as a deposit on, or as predetermined liquidated damages for failure to return the bags shall be 15 cents per bag.

This Amendment No. 10 shall become effective August 23, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of August, 1944.

ELDON C. SHOUP,  
Regional Administrator.

[F. R. Doc. 44-13228; Filed, August 31, 1944; 9:27 a. m.]

[Harrisburg Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN HARRISBURG, PA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Harrisburg District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, meals and beverages as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each.

(b) If you do not offer all the 40 items listed in the table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other food items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entrees and then indicate the type of meal, for example: steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board, on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with

the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

SEC. 4. *Geographical applicability.* The provisions of this order extend to all eating and drinking establishments located within the Harrisburg District of the Office of Price Administration.

SEC. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

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

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of August 1944.

W. C. YOUNG,  
District Director.

#### APPENDIX A

1. Tomato juice.
2. Fruit cocktail.
3. Vegetable soup (bowl).
4. Bacon and eggs.
5. Two eggs, any style.
6. Fillet of sole.
7. Deviled crab.
8. Hot cakes and syrup.
9. Spaghetti and meat balls.
10. Vegetable plate.
11. Cold cereal and milk.
12. Chicken chow mein.
13. Apple pie.
14. Ice cream, per plate.
15. Rice pudding.
16. Beef liver and onions.
17. Calves liver and bacon.
18. Pork chops (2).
19. Hamburger steak.
20. Beef stew.
21. Breaded veal cutlet.
22. Roast of lamb.
23. Sirloin steak.
24. Chicken a la king.
25. Cold cut platter.
26. Hot beef sandwich.
27. Pot roast of beef.
28. Boiled ham sandwich.
29. Lettuce and tomato sandwich.
30. Hamburger sandwich.
31. Frankfurter sandwich.
32. Combination salad.
33. Fruit salad.
34. Coffee (cup).
35. Milk (half pint).

36. Club breakfast—fruit—toast—coffee.  
 37. Chicken dinner ( courses).  
 38. Ham and egg sandwich.  
 39. Baked ham.  
 40. Chicken croquettes.

[F R. Doc. 44-13220; Filed, August 31, 1944;  
 9:26 a. m.]

[Camden Order G-1 Under MPR 426]

# FRESH FRUITS AND VEGETABLES IN CAMDEN, N. J., DISTRICT

Order No. G-1 under section 8 (a) (7) of Maximum Price Regulation No. 426. Fresh fruits and vegetables for table use, sales except at retail.

Amount of freight from basing point to wholesale receiving point allowed for determining maximum prices of certain fresh fruits and vegetables at all wholesale receiving points in the Counties of Atlantic, Camden, Burlington, Gloucester, Salem, Cumberland and Cape May, in the State of New Jersey.

For the reasons stated in an opinion issued simultaneously herewith and pursuant to the authority contained in section 8 (a) (7) of Maximum Price Regulation No. 426, this order is hereby issued.

**SECTION 1. What this order does.** This order establishes the amount of freight from basing point to wholesale receiving point which may be added to the Maximum basing point price for the purpose of determining maximum selling prices of the fresh fruits and vegetables listed in the appendices annexed hereto and made a part hereof at the wholesale receiving points listed in said appendices and the markets which each wholesale receiving point so listed serves.

**SEC. 2. Where this order applies.** This order applies in the Counties of Camden, Burlington, Gloucester, Salem, Cumberland, Atlantic and Cape May in the State of New Jersey.

**SEC. 3. Determination of the amount of freight allowed in establishing maximum selling price.** The amount of freight from basing point to wholesale receiving point which may be added to the maximum basing point price for the purpose of determining maximum selling prices of the items covered by this regulation at all wholesale receiving points in the area described above and in the markets they serve shall be the amounts set forth in the appendices annexed hereto.

This amount includes all allowances, if any, for protective and other accessorial services and all taxes on transportation costs.

The amount of freight from basing point to any wholesale receiving point other than the City of Philadelphia is determined by adding the appropriate amount listed in Appendix B to the appropriate amount listed in Appendix A.

**SEC. 4. Effective date.** This order shall become effective 12:01 a. m. on August 22, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued this 22d day of August 1944.

T. HAROLD DEMPSEY,  
 District Director

## APPENDIX A—FREIGHT FROM BASING POINT TO PHILADELPHIA

Commodity	Standard container and minimum contents	Basing point	Date	Freight allowance
Carrots bunched	In crate, 72 bunches. Each bunch 1 lb.	El Centro, Calif.	Jan. 16-Mar. 31	\$1.50
		El Centro, Calif.	Apr. 1-May 31	1.60
		Salinas, Calif.	June 1-Nov. 30	1.96
		Salinas, Calif.	Dec. 1-Jan. 15	1.59
Cucumbers, except hothouse	Bushel, 48 pounds	Wachula, Fla.	Jan. 1-May 31	.72
	Bushel, 48 pounds	Ponchatoula, La.	June 1-June 30	.77
	Lug Box, 28 pounds	Wachula, Fla.	Jan. 1-May 31	.41
	Lug Box	Ponchatoula, La.	June 1-June 30	.43
Cucumbers, hothouse	Per pound	Davenport, Iowa	All year	.024
Egg Plant	1½ bu. crate, 45 lbs.	Ft. Myers, Fla.	All year	.74
	Bushel, 30 lbs.	Ft. Myers, Fla.	All year	.51
	1½ bushel	Los Angeles, Calif.	Nov. 16-Apr. 30	1.20
Grapefruit, pink, California and Arizona			May 1-Oct. 31	1.27
Grapefruit, pink, all other States	1½ bushel	Weslaco, Texas	All year	1.14
Grapefruit, white, California and Arizona	1½ bushel	Los Angeles, Calif.	Nov. 16-Apr. 30	1.20
Grapefruit, white, all other States including "Indian River"	1½ bushel	Homestead, Fla.	May 1-Oct. 31	1.27
			All year	.90
Lemons, all States	1½ bushels	Los Angeles, Calif.	Nov. 1-Apr. 30	1.24
			May 1-Oct. 30	1.39
Green peas	Bushel, 28 pounds	Calipatria, Calif.	Sept. 1-March 31	.73
		Santa Barbara, Calif.	April 1-Aug. 31	.81
Lettuce, Iceberg	L. A. or Salinas crate 60 pounds and 48 heads or more.	El Centro, Calif.	Jan.-Feb.	1.60
		Salinas, Calif.	March-Apr.	1.64
		Salinas, Calif.	May	1.69
		Salinas, Calif.	June 1-Oct. 15	1.79
		Salinas, Calif.	Oct. 16-Dec. 31	1.64
		Los Angeles, Calif.	Nov. 16-Apr. 30	1.32
			May 1-Nov. 15	1.39
			All year	.90
Oranges, California and Arizona	1½ bushel	Homestead, Fla.		
Oranges, all other including "Indian River"	1½ Bushel			
Snap beans	Bushel, 28 pounds	Pompano, Fla.	All year	.46
Spinach	Bushel, 18 pounds	Crystal City, Tex.	All year	.41
	1½ Bushel Crate, 37 lb.	Pompano, Fla.	All year	.61
Sweet peppers	Bushel, 25 pounds	Pompano, Fla.	All year	.40
Pears	Standard Western Pear, box, 50 pounds.	Sacramento, Calif.	All year	.91
Cantaloup or Honeyballs	78 lb. content, jumbo crate.	Mendota, Calif.	July 26-Nov. 26	1.99
Honeydew	Jumbo honeydew crate 39 lb.	Mendota, Calif.	July 26-Nov. 26	1.08
Persim melons	Jumbo crate 48 lb. or more.	Mendota, Calif.	July 26-Nov. 26	1.08
Casaba melons	Jumbo or standard crate 42 lb.	Mendota, Calif.	July 26-Nov. 26	1.08
Cranshaw melons	Jumbo or standard crate 40 lb.	Mendota, Calif.	July 26-Nov. 26	.99
Tangerines, all States except California and Arizona	1½ Bushel	Homestead, Fla.	All year	.92

## APPENDIX B—FREIGHT TO ALL WHOLESALE RECEIVING POINTS

Commodity in standard containers packed as in appendix A	For any wholesale receiving point in Camden and Burlington Counties	For any wholesale receiving point in Gloucester, Salem, and Cumberland Counties	For any wholesale receiving point in Atlantic and Cape May Counties
Carrots, bunched	\$0.30	\$0.36	\$0.44
All citrus fruits, standard containers (1½ or 1¾ bu.)	.33	.40	.49
Pears, standard container, 50 lb.	.20	.25	.30
Cucumbers, except hothouse	.20	.24	.29
Egg plant, 1½ bushel or crate	.18	.23	.27
Green peas	.12	.16	.18
Cabbage	.21	.28	.31
Lettuce, iceberg	.30	.34	.37
Spinach	.07	.10	.11
Sweet peppers, 1½ bushel or crate	.16	.21	.24
Honey balls or cantaloup, 78 lb. container	.82	.42	.48
Honey dew, 39 lb. container	.16	.21	.24
Persim melons, 43 lb. container	.18	.23	.26
Casaba melons, 42 lb. container	.17	.22	.25
Cranshaw melons, 40 lb.	.16	.21	.24

\*To determine the full amount of freight from basing point to any wholesale receiving point, except Philadelphia add to appropriate amount named in this appendix B to the appropriate amount named for the item in Appendix A.

[F. R. Doc. 44-13234; Filed, August 31, 1944;  
 9:19 a. m.]

[Region II Order G-8 Under SR 15]

## FLUID MILK IN MIDDLETOWN, N. Y.

Order No. G-8 under § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation. Adjusted maximum prices for the sale and delivery of fluid milk in glass or paper containers to sub-dealers in Middletown, Orange County, New York.

For the reasons set forth in an opinion issued simultaneously herein and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, It is hereby ordered:

(a) On and after June 21, 1944, the maximum prices which any fluid milk processor, whose processing plant is located within the town of Wallkill or Waywayanda, Orange County, New York, may sell or deliver fluid milk in glass or paper containers, f. o. b. such plant to a sub-dealer who sells fluid milk in glass or paper containers within Middletown City, Orange County, New York, shall be the higher of either of the following:

(1) The maximum prices established for such processor by § 1499.2 of the GMPR; or

(2) The applicable adjusted maximum price for the particular grade or kind of fluid milk specified in the following schedule:

Grade or kind of milk	Adjusted maximum price
Grade A pasteurized.....	\$0.09½ per quart. .05 per pint.
Golden guernsey.....	.02½ per ½ pint. .12½ per quart.
Homogenized-vitamin D.....	.10½ per quart.
Chocolate drink.....	.09½ per quart. .05 per pint.
Buttermilk.....	.02½ per ½ pint. .06½ per quart.

(b) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a ½ cent or more, the seller shall adjust the maximum price to the next higher full cent, where the fraction is less than a half-cent, the seller shall adjust the maximum price to the next lower full cent.

(c) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter or by supplementary order which may be contrary hereto.

(d) *Geographical applicability.* This order applies to all sales by fluid milk processors whose processing plants are located in the towns of Wallkill or Wawayanda, of fluid milk in glass or paper containers to subdealers who sell fluid milk within Middletown City.

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

(f) *Definitions.* (1) "Fluid milk" means cow's milk produced, processed, distributed and sold for human consumption in fluid form as whole milk.

(2) "Subdealer" means any milk dealer who purchases fluid milk in glass or paper containers from a milk processor and resells such fluid milk to consumers, stores, hotels, restaurants and institutions in the same containers as those in which he purchases it from such processor.

(3) "Milk processor" means a person who processes fluid milk and sells such milk in paper or bottle containers to subdealers.

(4) "Grade A pasteurized fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk, and meeting the requirements and standards of the appropriate statutes, orders or regulations of the State of New York, unless such standards are superseded by statutes, orders or regulations of that political subdivision of the State of New York within which such milk is sold and delivered.

(5) "Golden Guernsey" means fluid milk produced from pure bred Guernsey cows.

This order shall become effective June 21, 1944.

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

Issued this 19th day of June 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-13235; Filed, August 31, 1944;  
9:19 a. m.]

[Nashville Order 1 Under Restaurant MPR 2]

#### POSTING REQUIREMENTS IN NASHVILLE, TENN., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Nashville District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

**SECTION 1. Posting requirements.** If you own or operate an eating or drinking establishment you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration your lawful ceiling prices for 40 food items and meals as set forth in Appendix A to this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order as you offer for sale and your ceiling prices for each.

(b) If you do not offer all the 40 items listed in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment or in a conspicuous place so that it will be plainly visible to your customers.

**SEC. 2. Filing of lists or posted prices.** When you have made the list of food items and meals to be posted, and your lawful ceiling price for each, you must make three copies of this list and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated, and signed by the owner or manager of your establishment with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment

and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference so that corrections can be made.

**SEC. 3. Replacement of posters.** If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

**SEC. 4. Geographical applicability.** The provisions of this order extend to all eating and drinking establishments located within the Nashville District of the Office of Price Administration.

**SEC. 5. Exemptions.** All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

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

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

Issued this 8th day of August 1944.

SAM M. BONEY,  
District Director.

#### APPENDIX A

Appetizer:  
Tomato juice.  
Shrimp cocktail.  
Soup:  
Vegetable.  
Consomme.  
Egg dishes:  
Two eggs, any style.  
Bacon or ham and eggs.  
Plain omelet.  
Fish entrees:  
Fried fish.  
Fillet of sole.  
Meat entrees:  
Pork chop.  
Lamb chop.  
Veal cutlet.  
Roast veal.  
Roast turkey.  
Chicken a la king.  
Roast pork or ham.  
Hamburger steak.  
Fried ham.  
Lamb stew or any meat stew.  
Miscellaneous:  
Vegetable plate.  
Croquettes.  
Hot cakes and syrup.  
Baked spaghetti and macaroni.  
Cereals—hot or cold.  
Pork and beans.  
Sandwiches:  
Lettuce and tomato.  
Hamburger.  
Ham and cheese.  
Ham.  
Hot beef.  
Hot pork.

Salads:  
Fruit.  
Combination.  
Desserts:  
Apple pie.  
Ice cream.  
Beverages:  
Coffee.  
Milk.  
Tea.

Meals:  
Club breakfast (fruit or cereal, bacon and egg or 2 eggs—toast and coffee)  
Chicken dinner (3 courses)

[F. R. Doc. 44-13218; Filed, August 31, 1944; 9:27 a. m.]

[Region V Order G-3 Under MPR 336, MPR 355, and MPR 394]

#### FABRICATED MEAT CUTS IN TULSA, OKLA.

Order No. G-3 under section 5 (c) of Maximum Price Regulation No. 336. Retail ceiling prices for pork cuts and certain sausage products. Maximum Price Regulation No. 355. Retail ceiling prices for beef, veal, lamb and mutton cuts and all variety meats and edible by-products. Maximum Price Regulation No. 394. Retail ceiling prices for kosher beef, veal, lamb and mutton cuts.

Pursuant to section 5 (c) of Maximum Price Regulation No. 336, Maximum Price Regulation No. 355 and Maximum Price Regulation No. 394, as incorporated by Amendment 15 to Maximum Price Regulation No. 336, and Amendment 17 to Maximum Price Regulation No. 355, and Amendment 6 to Maximum Price Regulation No. 394, the Regional Administrator of Region V, on his own motion, finds that the area contained within the corporate limits of the City of Tulsa, Oklahoma, to be an area deficient in supplies of fabricated meat cuts for purveyors of meals, because the following conditions exist:

(1) Purveyors of meals within said area are unable to obtain fabricated meat cuts covered by the above named regulations in sufficient volume to supply their requirements as determined under Ration Order No. 16, during the two-month period immediately preceding May 1, 1944;

(2) The dealers in the area selling fabricated meat cuts do not have adequate facilities or quotas to supply the requirements of purveyors of meals located in the area as determined under (1) above; and

(3) Purveyors of meals in the area customarily have relied upon, and find it necessary to continue to rely upon, local retail dealers for supplies of meat sufficient to fill their requirements.

Accordingly, the area within the corporate limits of the City of Tulsa, Oklahoma, is hereby ordered and declared to be an area deficient in the supply of fabricated meat cuts covered by the above named price regulations for purveyors of meals within the intent and purposes of said section 5 (c) of each of the aforesaid maximum price regulations.

This order or declaration is subject to revocation, or amendment, at any time hereafter, either by special order or declaration, or by any price regulation issued hereafter, or by any amendment or supplement issued to any price regulation, the provisions of which may be contrary hereto.

This order shall become effective August 26, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued and effective at Dallas, Texas, this the 26th day of August 1944.

C. B. BRAUN,  
Acting Regional Administrator.

[F. R. Doc. 44-13236; Filed, August 31, 1944; 9:20 a. m.]

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 1 Delivered Prices		Part 2
		Per ton	Per 1/2-ton	Yard prices per ton
Bituminous coal produced in District 17:				
Sub-district 2, Canon #1:				
(A).....	#2-6'' lump.....	\$9.40	\$4.95	\$8.90
(B).....	#3-3'' lump.....	9.40	4.95	8.90
(C).....	#7-6'' x 1 1/2'' egg.....	8.55	4.55	8.05
(D).....	#9-3'' x 1 1/2'' nut.....	8.35	4.45	7.85
(E).....	#10-1 1/2'' x 1'' range.....	7.95	4.25	7.45
(F).....	#11-1 1/2'' x 3/4'' pea.....	7.20	3.85	6.70
(G).....	#13-1 1/2'' x 0'' slack.....	6.15	3.35	5.65
Sub-district 3, Canon #2:				
(H).....	#2-6'' lump.....	8.85	4.70	8.35
(I).....	#3-3'' lump.....	8.85	4.70	8.35
(J).....	#7-6'' x 1 1/2'' egg.....	8.50	4.50	8.00
(K).....	#9-3'' x 1 1/2'' nut.....	8.20	4.35	7.70
(L).....	#10-1 1/2'' x 1'' range.....	7.80	4.15	7.30
(M).....	#11-1 1/2'' x 3/4'' pea.....	7.15	3.85	6.65
(N).....	#13-1 1/2'' x 0'' slack.....	6.15	3.35	5.65

This is the first and only amendment to Order No. G-26 that makes any change whatsoever in Appendix VII.

2. Effective date. This Amendment No. 13 shall become effective on August 3, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13230; Filed, August 31, 1944; 9:21 a. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 14]

#### SOLID FUELS IN CANON CITY, COLO., AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 14. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and

[Region VII Order G-26 Under RMPR 122, Amdt. 13]

#### SOLID FUELS IN ROCKY FORD, COLO., AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 13. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 13 is issued.

1. The table of maximum prices, as set forth in paragraph (3) of appendix VII, Rocky Ford Trade Area, is hereby amended to read as follows:

for the reasons set forth in the accompanying opinion, this Amendment No. 14 is issued.

1. The table of maximum prices, as set forth in paragraph (3) of Appendix VIII, Canon City, Florence Trade Area, is hereby amended to read as follows:

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 2 Delivered prices	
		From mine	From yard
Bituminous coal produced in District 17: Sub-district 2, Canon #1:			
(A)-----	#2-0'' lump.....	\$6.85	\$7.35
(B)-----	#3-3'' lump and #4-8'' x 3'' egg.....	6.85	7.35
(C)-----	#9-3'' x 1½'' nut.....	5.60	6.10
(D)-----	#10-1½'' x 1'' range.....	5.60	6.10
(E)-----	#13-1½'' x 0'' slack.....	3.90	4.40
Sub-district 3, Canon 2:			
(F)-----	#2-0'' lump.....	6.30	6.80
(G)-----	#3-3'' lump and #4-8'' x 3'' egg.....	6.30	6.80
(H)-----	#9-3'' x 1½'' nut.....	5.45	5.95
(I)-----	#10-1½'' x 1'' range.....	5.45	5.95
(J)-----	#13-1½'' x 0'' slack.....	3.90	4.40

This is the first and only amendment to Order No. G-26 that makes any change whatsoever in Appendix VIII.

2. *Effective date.* This amendment No. 14 shall become effective on August 3, 1944. (56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; F.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13231; Filed, August 31, 1944; 9:21 a. m.]

[Region VII Order G-26 Under RMPR 122, Amdt 15]

#### SOLID FUELS IN CHEYENNE AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 15. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 15 is issued.

1. The Table of Maximum Prices, as set forth in paragraph (3) of Appendix XI, Cheyenne Trade Area, is hereby amended to read as follows:

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 1 Delivered prices		Part 2 Yard prices per ton
		Per ton	Per 1/4-ton	
Bituminous coa. produced in District 19:				
Sub-district 2, Rock Springs:				
(A).....	#1-8" lump.....	\$10.95	\$5.85	\$9.05
(B).....	#7-5" x 1 1/2" nut.....	9.75	5.15	8.75
(C).....	#8-3" x 1 1/2" nut.....	9.45	5.00	8.45
(D).....	#15-1 1/2" x 0" slack.....	7.05	3.80	6.55
Sub-district 3, Hannu - Rawlins, (Elk Mountain and Burn Right Coals by truck only):				
(E).....	#1-8" lump.....	9.85	5.20	8.85
(F).....	#8-3" x 1 1/2" nut.....	9.40	4.95	8.40
(G).....	#15-1 1/2" x 0" slack.....	7.00	3.75	6.50
Bituminous Coal produced in District 17:				
Sub-district 4, Oa. Hills:				
(H).....	#3-3" lump.....	11.95	6.25	10.95
(I).....	#1-8" lump.....	11.75	6.15	10.75
(J).....	#4-8" x 3" grate.....	11.55	6.05	10.55
(K).....	#9-3" x 1 1/2" nut.....	10.90	5.70	9.90
Sub-district 5, Mt. Harris:				
(L).....	#3-3" lump.....	11.25	5.95	10.25
(M).....	#1-8" lump.....	11.10	5.80	10.10
(N).....	#9-3" x 1 1/2" nut.....	10.50	5.50	9.50
Bituminous Coal produced in District 16:				
Sub-districts 1, 2, and 4, Louisville, Lafayette, and Marshall #4:				
(O).....	#2-8" lump.....	10.40	5.45	9.40
(P).....	#5-8" x 2 1/2" egg.....	10.15	5.35	9.15
(Q).....	#8-2 1/2" x 1 1/2" nut.....	7.50	4.00	7.00
(R).....	#9-1 1/2" x 3/4" pea.....	7.20	3.85	6.70
(S).....	#11-1 1/4" x 0" slack.....	6.50	3.50	6.00
Sub-districts 6 and 8, Erie and Fred- erick:				
(T).....	#2-8" lump.....	9.70	5.10	8.70
(U).....	#5-8" x 2 1/2" egg.....	9.70	5.10	8.70
(V).....	#8-2 1/2" x 1 1/2" nut.....	7.40	3.95	6.90
(W).....	#9-1 1/2" x 3/4" pea.....	7.15	3.85	6.65
(X).....	#11-1 1/4" x 0" slack.....	6.50	3.50	6.00

<sup>1</sup> Pea and slack prices per net ton are based on sales in lots of 2 tons or more. On sales of pea or slack of less than 2 tons the maximum price shall be the listed price per net ton plus 25%.

This is the first and only amendment to Order No. G-26 that makes any change whatsoever in Appendix XI.

2. *Effective date.* This Amendment No. 15 shall become effective on August 3, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13232; Filed, August 31, 1944; 9:21 a. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 16]

#### SOLID FUELS IN LOWER ARKANSAS VALLEY AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 16. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 16 is issued.

1. Appendix XXXVI, lower Arkansas Valley Trade Area, which was added to Order No. G-26 by Amendment No. 7, is hereby amended and rewritten to read as follows:

(q) *Appendices establishing specific maximum prices for certain trade areas in Region VII.* \* \* \*

#### APPENDIX XXXVI, AS AMENDED—LOWER ARKANSAS VALLEY TRADE AREA

(1) *To what sales this Appendix XXXVI applies.* This Appendix XXXVI applies only to sales made by dealers in the lower Arkansas Valley Trade Area of the State of Colorado, which means all that area contained within and a distance of five miles beyond the corporate boundaries of the municipalities of La Junta, Las Animas, Lamar, Granada, and Holly, respectively.

(2) *La Junta maximum prices.* If you are a dealer and sell in the Lower Arkansas Valley Trade Area, either f. o. b. your yard or delivered by truck direct from the mine or from your yard in the municipality of La Junta, any one or more of the kinds and sizes of coal named in this Appendix XXXVI, as amended, your maximum prices therefor are those set forth in parts 1 and 2 of the following

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 1 Delivered prices		Part 2 Yard prices per ton
		Per ton	Per 1/4-ton	
Bituminous coal produced in District 17:				
Subdistrict 1, Walsenburg:				
(A1)	#1-8" lump	\$8.65	\$4.60	\$8.15
(B1)	#2-6" lump	8.60	4.55	8.10
(C1)	#3-3" lump	8.45	4.50	7.95
(D1)	#4-8" x 3" grate	8.35	4.45	7.85
(E1)	#5-6" x 3" grate	8.15	4.35	7.65
(F1)	#0-3" x 1 1/2" nut	7.80	3.90	7.30
(G1)	#11-1 1/4" x 3/8" pea	6.35	3.45	5.85
(H1)	#13-1 1/2" x 0" slack	5.75	3.15	5.25
Subdistrict 2, Canon #1:				
(A2)	#1-8" lump	9.00	4.75	8.50
(B2)	#2-6" lump	8.95	4.75	8.45
(C2)	#3-3" lump	8.90	4.70	8.40
(D2)	#4-8" x 3" grate	8.75	4.65	8.25
(E2)	#5-6" x 3" grate	8.50	4.50	8.00
(F2)	#0-3" x 1 1/2" nut	8.15	4.35	7.65
(G2)	#11-1 1/4" x 3/8" pea	6.75	3.65	6.25
(H2)	#13-1 1/2" x 0" slack	6.05	3.30	5.55
Subdistrict 3, Canon #2:				
(A3)	#1-8" lump	8.15	4.35	7.65
(B3)	#2-6" lump	8.05	4.30	7.55
(C3)	#3-3" lump	8.05	4.30	7.55
(D3)	#4-8" x 3" grate	8.15	4.35	7.65
(E3)	#5-6" x 3" grate	7.90	4.20	7.40
(F3)	#0-3" x 1 1/2" nut	7.70	4.10	7.20
(G3)	#11-1 1/4" x 3/8" pea	6.35	3.45	5.85
(H3)	#13-1 1/2" x 0" slack	5.85	3.20	5.35
Subdistrict 6, Aguilar:				
(A6)	#1-8" lump	8.10	4.30	7.60
(B6)	#2-6" lump	8.00	4.25	7.50
(C6)	#3-3" lump	7.90	4.20	7.40
(D6)	#4-8" x 3" grate	8.00	4.25	7.50
(E6)	#5-6" x 3" grate	7.70	4.10	7.25
(F6)	#0-3" x 1 1/2" nut	7.60	4.05	7.10
(G6)	#11-1 1/4" x 3/8" pea	5.85	3.20	5.35
(H6)	#13-1 1/2" x 0" slack	5.85	3.20	5.35
Subdistrict 7, Trinidad:				
(A7)	#1-8" lump	7.75	4.15	7.25
(B7)	#2-6" lump	7.65	4.10	7.10
(C7)	#3-3" lump	7.65	4.10	7.10
(D7)	#4-8" x 3" grate	7.75	4.15	7.25
(E7)	#5-6" x 3" grate	7.05	3.80	6.55
(F7)	#0-3" x 1 1/2" nut	7.30	3.90	6.80
(G7)	#11-1 1/4" x 3/8" pea	5.80	3.15	5.30
(H7)	#13-1 1/2" x 0" slack	5.80	3.15	5.30
Subdistrict 9, New Mexico:				
(A9)	#1-8" lump	7.80	3.90	7.30
(B9)	#2-6" lump	7.70	4.10	7.20
(C9)	#3-3" lump	7.70	4.10	7.20
(D9)	#4-8" x 3" grate	7.80	3.90	7.30
(E9)	#5-6" x 3" grate	7.70	4.10	7.20
(F9)	#0-3" x 1 1/2" nut	7.60	4.05	7.10
(G9)	#11-1 1/4" x 3/8" pea	6.15	3.35	5.65
(H9)	#13-1 1/2" x 0" slack	5.95	3.25	5.45

(3) *Las Animas maximum prices.* If you are a dealer and sell in the Lower Arkansas Valley Trade Area, either f. o. b. your yard or delivered by truck direct from the mine or from your yard in the municipality of Las Animas, any one or more of the kinds and sizes of coal named in this Appendix XXXVI, your maximum prices therefore are the same as those established for La Junta as above set forth in paragraph (2) of this Appendix XXXVI plus the actual freight differential between La Junta and Las Animas, which is 10¢ per ton on all sizes except Sizes #11 and #13, as to which the freight differential is 15¢ per ton.

(4) *Lamar maximum prices.* If you are a dealer and sell in the Lower Arkansas Valley Trade Area, either f. o. b. your yard or delivered by truck direct from the mine or from your yard in the municipality of Lamar, any one or more of the kinds and sizes of coal named in this Appendix XXXVI, your maximum prices therefore are the same as those established for La Junta as above set forth in paragraph (2) of this Appendix XXXVI plus the actual freight differential between La Junta and Lamar, which is 20¢ per ton on all sizes except Sizes #11 and #13, as to which the freight differential is 25¢ per ton.

(5) *Granada maximum prices.* If you are a dealer and sell in the Lower Arkansas Valley Trade Area, either f. o. b. your yard or delivered by truck direct from the mine or from your yard in the municipality of Granada, any one or more of the kinds and sizes of coal named in this Appendix XXXVI, your

maximum prices therefor are the same as those established for La Junta as above set forth in paragraph (2) of this Appendix XXXVI plus the actual freight differential between La Junta and Granada, which is 30¢ per ton on all sizes except Sizes #11 and #13, as to which the freight differential is 35¢ per ton.

(6) *Holly maximum prices.* If you are a dealer and sell in the Lower Arkansas Valley Trade Area, either f. o. b. your yard or delivered by truck direct from the mine or from your yard in the municipality of Holly, any one or more of the kinds and sizes of coal named in this Appendix XXXVI, your maximum prices therefor are the same as those established for La Junta as above set forth in paragraph (2) of this Appendix XXXVI plus the actual freight differential between La Junta and Holly, which is 40¢ per ton on all sizes except Sizes #11 and #13, as to which the freight differential is 45¢ per ton.

(7) *Letter designation.* For record-keeping purposes, the letter designation set forth in the Table of Maximum Prices for La Junta may be used by all dealers in the Lower Arkansas Valley Trade Area to show the kind of solid fuel sold.

(8) *Special service charges.* If, in connection with the sale and delivery of coal made by you at any place in the Lower Arkansas Valley Trade Area, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such services are as follows:

	Per ton	Per 1/4 ton
"Wheel-in".....	\$0.50	\$0.35
"Pull-back or trimming".....	.25	.15
"Carrying up or down stairs".....	1.00	.50
Oil or chemical treatment.....	.25	.15

2. This Amendment No. 16 shall become effective on the 3d day of August 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13233; Filed, August 31, 1944; 9:22 a. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 17]

#### SOLID FUELS IN MONTEZUMA, COLO., AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 17. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 17 to Order G-26 is issued.

1. That part of the "Table of Maximum Prices" for Cortez in the "Montezuma Trade Area" pertaining to "Bituminous Coal Produced in District 18, Sub-districts 8 and 10, San Juan and Hogback" as the same appears in paragraph (2) of Appendix XXXVII, Montezuma Trade Area, is amended by deleting the designations (A), (B) and (C) for the three price lines and substituting therefor the designations (F), (G) and (H), respectively.

2. This amendment shall become effective on the 11th day of August 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E. O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13226; Filed, August 31, 1944; 9:25 a. m.]

[La Crosse Order G-1 Under MPR 426 and MPR 285]

#### FRESH FRUITS AND VEGETABLES IN DESIGNATED CITIES IN WISCONSIN AND MINNESOTA

Order No. G-1 under § 1439.3-15 Appendix H (f) Appendix I (g) of Maximum Price Regulation 426 and § 1351.1254a (a) of Maximum Price Regulation 285. Delivery differentials for wholesalers of

certain fresh fruits and vegetables in La Crosse, Black River Falls and Eau Claire, Wisconsin, Winona and Rochester, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the La Crosse, Wisconsin District Office of the Office of Price Administration, by § 1439.3-15, Appendix H (f), Appendix I (g) of Maximum Price Regulation No. 426, and § 1351.1254a (a) of Maximum Price Regulation No. 285, it is hereby ordered:

(a) *What this order does.* This order determines the limits of the free delivery zones at the five wholesale receiving points of La Crosse, Black River Falls and Eau Claire, Wisconsin, and Winona and Rochester, Minnesota. It also establishes differentials for non-delivered sales in the free delivery zones and for delivered sales beyond the free delivery zones. The order applies to such fresh fruits and vegetable items as are now or may hereafter be subject to the pricing provisions of Maximum Price Regulation No. 285, Imported fresh bananas, sales except at retail, and Appendices H and I of Maximum Price Regulation No. 426, Fresh fruits and vegetables for table use, sales except at retail. The only sellers who are subject to this order are those wholesalers who price under the Maximum Price Regulation No. 285, and secondary jobbers and service wholesalers, as these terms are used in Appendices H and I of Maximum Price Regulation No. 426.

(b) *Establishment of delivery zones.* 1. The five free delivery zones established by this order shall be the areas within the city limits of, and within a radius of 5 miles of the city limits of, the Cities of La Crosse, Black River Falls and Eau Claire, Wisconsin; Winona and Rochester, Minnesota.

2. The zones in which charges may be made for delivery are the areas outside the free delivery zones.

(c) *Differentials for non-delivered and delivered sales of items listed in Appendices H and I of Maximum Price Regulation No. 426—1. Non-delivered sales:* For sales on a non-delivered basis of the commodities covered in Appendices H and I of Maximum Price Regulation No. 426, there shall be deducted from the maximum price for delivered sales in a free delivery zone 5¢ per container for standard shipping containers weighing under 50 pounds gross weight and 10¢ per container for standard shipping containers weighing 50 pounds or over, gross weight. A deduction of 2¢ or 5¢, respectively, shall be made for non-delivered sales of half standard shipping containers or more, or for bulk sales weighing as much as or more than half a standard container of the items being sold. No deductions need be made for sales in less than half containers and for bulk sales in less than half containers and for bulk sales which weigh less than

half a standard container of the item being sold.

2. *Delivered sales in a free delivery zone.* The maximum price for delivered sales in a free delivery zone shall be the maximum delivered price computed under Maximum Price Regulation No. 426 for the type of sale being made without any deduction from or addition thereto.

25 miles or less	25 to 50 miles	50 to 75 miles	Beyond 75 miles
Beyond free delivery zone: 20¢ cwt. but not less than 10¢ per stop.	Beyond free delivery zone: 25¢ cwt. but not less than 10¢ per stop.	Beyond free delivery zone: 30¢ cwt. but not less than 15¢ per stop.	35¢ cwt. but not less than 15¢ per stop.

(d) *Differentials for non-delivered and delivered sales of items under Maximum Price Regulation No. 285—1. Non-delivered sales and delivered sales in a free delivery zone.* For non-delivered sales and for deliveries in the free delivery zone, the maximum price shall be the maximum delivered price computed under Maximum Price Regulation No. 285 for the type of sale being made. Customary discounts and price differentials, including any differential or dis-

count for f. o. b. seller or non-delivered sales, must be maintained.

2. *Delivered sales beyond a free delivery zone.* For deliveries beyond a free delivery zone, the amount set out below may be added to the price for delivered sales in the free delivery zone. Deliveries beyond a free delivery zone shall be computed via the nearest publicly traveled route. Delivery charge shall be computed for the net weight of bananas delivered.

25 miles or less	25 to 50 miles	50 to 75 miles	Beyond 75 miles
Beyond free delivery zone: 20¢ cwt.	Beyond free delivery zone: 25¢ cwt.	Beyond free delivery zone: 30¢ cwt.	35¢ cwt.

(e) *Definitions and explanations.* 1. Unless the context otherwise requires, the terms used herein shall have the same meanings as given them in Maximum Price Regulation No. 285 and Maximum Price Regulation No. 426.

2. "Delivery" means physical delivery to the premises of a retail store, hotel, restaurant or institution.

3. Delivery within a free delivery zone or "delivered within a free delivery zone" means delivery by a seller who maintains distribution facilities within that zone. Delivery by a seller in a free delivery zone, who has his distribution facilities in a different free delivery zone, shall not constitute a delivery in a free delivery zone as herein defined, and such seller shall be entitled to add the delivery charges beyond the free delivery zone in which he has his distribution facilities.

(f) This order may be revoked, revised, amended or corrected at any time.

(g) *Effective date:* This order shall become effective on June 21, 1944.

(Pub. Laws 421 and 729, 78th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this nineteenth day of June 1944.

P. H. GRIFFIN,  
District Director.

Approved:

E. O. POLLOCK,  
Regional Director of Distribution,  
War Food Administration.

[F. R. Doc. 44-13221; Filed, August 31, 1944; 9:28 a. m.]

[La Crosse Order G-1 Under MPR 426 and MPR 285, Amdt. 1]

FRESH FRUITS AND VEGETABLES IN DESIGNATED CITIES IN WISCONSIN AND MINNESOTA

Amendment No. 1 to Order No. G-1 under § 1439.3-15 Appendix H (f) Appendix I (g) of Maximum Price Regulation 426 and § 1351.1254a (a) of Maximum Price Regulation 285. Delivery differentials for wholesalers of certain fresh fruits and vegetables in La Crosse, Black River Falls, and Eau Claire, Wisconsin, Winona and Rochester, Minnesota.

Order No. G-1 under § 1439.3-15 Appendix H (f) Appendix I (g) of Maximum Price Regulation 426 and § 1351.1254a (a) of Maximum Price Regulation 285 is amended in the following respects:

In line four (4) of paragraph one (1) after the words Appendix I (g) add the words "Appendix J" and "Appendix K".

In line ten (10) and sixteen (16) subsection (a) of paragraph one (1) after the words H and I add the words "J" and "K".

In line two (2) of subsection C of paragraph one (1) after the words H and I add the words "J" and "K".

In line two (2) of subsection C-1 of paragraph one (1) after the words H and I add the words "J" and "K".

This amended order may be revoked, revised, amended or corrected at any time.

This amended order shall become effective 17th day of July 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.G.O. 51, 9 F.R. 405)

Issued this 15th day of July 1944.

W. C. McSHANE,  
For P. H. GRIFFIN,  
District Director.

Approved:

E. O. POLLOCK,  
Regional Director of Distribution,  
War Food Administration.

[F. R. Doc. 44-13222; Filed, August 31, 1944;  
9:28 a. m.]

[Region VI Order G-11 Under MPR 165]

#### LUMBER SAWING SERVICES IN SOUTHWESTERN WISCONSIN

Order No. G-11 under Maximum Price Regulation No. 165, as amended, Services. Adjusted prices for custom lumber sawing services in Southwestern Wisconsin.

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, Services, it is hereby ordered:

(a) *Geographical applicability.* This order applies to all custom sawing services performed in the counties of La-Crosse, Monroe, Juneau, Vernon, Sauk, Richland, Crawford, and Grant in the State of Wisconsin, and to all custom sawing services performed by persons whose residence and principal place of operations are located within these counties.

(b) *The maximum prices established.* The following maximum prices are hereby established for the enumerated custom lumber sawing services:

	Per M board feet
Custom sawing alive.....	\$9.50
Custom sawing for grade.....	11.00
Piling of custom sawn lumber.....	1.50

(c) *Evasion.* This order may not be evaded by any agreement, scheme, or device of any character. For example, no agreement or arrangement may be made whereby the purchaser pays any part of the saw mill employees' wages. It shall be considered an evasion for any saw mill operator to compel a customer desiring live sawing to purchase grade sawing or to compel any purchaser requiring merely sawing to buy piling services.

(d) *Definitions.* (1) "Custom sawing" means the manufacture into lumber, as a service for others, of logs in which the person performing the services has no financial interest.

(2) "Sawing for grade" refers to a method of sawing in which the log is turned and three or more faces are cut so as to gain the highest quality of lumber obtainable from the log, conforming

to standard sizes and grades generally accepted by the lumber industry. For purposes of this order, "custom sawing for grade" shall not include the sawing of lumber departing from standard sizes or grades, nor to that intended for special uses (e. g., railroad ties).

(3) "Sawing alive" refers to a method of sawing (commonly used in the production of farm lumber) whereby the log is not turned as in sawing for grade but is sawn through and through in a manner that will produce two slabs.

(4) "Piling" means an orderly arrangement of lumber that facilitates handling, seasoning, and storage, in which lumber is flat piled so that the face of the board is horizontal, and each course or layer of boards rests upon stickers that permit air circulation below and above the course.

(e) *Other custom sawing services.* Custom sawing services of a type not specifically covered by this order are governed by the provisions of Revised Maximum Price Regulation No. 165. Except as herein specifically modified, all provisions of Revised Maximum Price Regulation No. 165 shall remain in full force and effect.

(f) *Revocability.* This order may be revoked, amended, or corrected at any time. This order shall become effective on July 31, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 44-13223; Filed, August 31, 1944;  
9:29 a. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 10]

#### SOLID FUELS IN PUEBLO, COLO., AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 10. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 10 is issued.

1. The "Table of Maximum Prices," as set forth in paragraph (3) of "Appendix IV, Pueblo Trade Area," is hereby amended to read as follows:

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 1 Delivered Prices		Part 2
		Per ton	Per ½-ton	Yard prices per ton
Bituminous coal produced in District 17:				
Sub-district 2, Canon #1:				
(A).....	#2-6" lump.....	\$8.85	\$4.70	\$8.35
(B).....	#3-3" lump.....	8.85	4.70	8.35
(C).....	#7-6" x 1½" egg.....	8.00	4.25	7.50
(D).....	#9-3" x 1½" nut.....	7.60	4.05	7.10
(E).....	#10-1½" x 1" range.....	7.35	3.95	6.85
(F).....	#11-1½" x ¾" pea.....	6.55	3.55	6.05
(G).....	#13-1½" x 0" slack.....	5.50	3.00	5.00
Sub-district 3, Canon #2:				
(H).....	#2-6" lump.....	8.30	4.40	7.80
(I).....	#3-3" lump.....	8.30	4.40	7.80
(J).....	#7-6" x 1½" egg.....	7.95	4.25	7.45
(K).....	#9-3" x 1½" nut.....	7.45	4.00	6.95
(L).....	#10-1½" x 1" range.....	7.20	3.85	6.70
(M).....	#11-1½" x ¾" pea.....	6.50	3.50	6.00
(N).....	#13-1½" x 0" slack.....	5.50	3.00	5.00

This is the first and only amendment to Order No. G-26 that makes any change whatsoever in Appendix IV.

2. *Effective date.* This Amendment No. 10 shall become effective on August 3, 1944. (56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13224; Filed, August 31, 1944; 9:25 a. m.]

[Region VII Order G-26 Under RMPR 122, Amdt. 11]

#### SOLID FUELS IN COLORADO SPRINGS, COLO., AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 11. Solid fuels sold and delivered by dealers.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 11 is issued.

1. The "Table of maximum prices," as set forth in paragraph (3) of "Appendix V, Colorado Springs trade area," is hereby amended to read as follows:

TABLE OF MAXIMUM PRICES—Continued

Kind and letter designation	Size	Part 1 Delivered prices		Part 2 Yard prices	
		Per ton	Per 1/4 ton	To dealers per ton	To others per ton
Bifuminous coal produced in District 17—Continued. Sub-district 2, Canon #1: (F) (G) (H) (I) (J)	#2—3" lump and egg.	\$9.65	\$5.05	\$8.40	\$9.15
	#2—3" x 1 1/2" nut.	8.50	4.50	7.25	8.00
	Raw.	8.60	4.55	7.35	8.10
	Washed.	7.05	3.80	6.55	7.30
	#11—1 1/2" x 3/8" pea.	5.55	3.20	5.35	5.85
Bifuminous coal produced in District 17. Sub-district 4, Oak Hills: (K) (L) (M) (N) (O)	#2—3" lump and egg.	9.85	5.00	8.30	9.05
	#2—3" x 1 1/2" nut.	8.40	4.45	7.15	7.90
	Raw.	8.50	4.50	7.25	8.00
	Washed.	7.05	3.80	6.55	7.30
	#11—1 1/2" x 3/8" pea.	5.55	3.20	5.35	5.85
Bifuminous coal produced in District 17. Sub-district 5, Mt. Harris: (P) (Q) (R) (S) (T)	#1—5" lump.	9.00	4.75	7.75	8.50
	#2—3" lump and egg.	8.85	4.70	7.60	8.35
	#2—3" x 1 1/2" nut.	8.95	4.75	7.70	8.45
	Raw.	8.00	4.25	6.75	7.50
	Washed.	8.10	4.30	6.85	7.60
Bifuminous coal produced in District 16. Sub-district 7, Trinidad #1 (cooking coals): (U) (V) (W) (X) (Y)	#11—1 1/2" x 3/8" pea.	8.65	3.10	5.15	5.85
	#13—1 1/2" x 10" slack.	7.10	3.80	6.00	6.80
	#13—1 1/2" x 10" slack.	6.35	3.45	5.55	6.30
	#10—1 1/2" x 3/8" pea.	7.10	3.80	6.00	6.80
	#13—1 1/2" x 10" slack.	6.80	3.55	5.60	6.35
Bifuminous coal produced in District 16. Sub-district 8, Trinidad #2 (cooking coals): (Z) (A) (B) (C) (D)	#2, #3, and #5—8" lump, 2 1/2" nut and egg and 8" x 2 1/2" nut.	8.05	4.30	7.05	7.85
	#2 and #3—8" lump and 2 1/2" nut and egg.	7.45	4.00	6.45	6.95
	#2, #3, and #5—8" lump, 2 1/2" nut and egg and 2 1/2" x 8" grade.	7.35	3.95	6.35	6.85
	#5—4" x 2 1/2" nut.	5.90	3.20	5.40	6.20
	#3 & #5—2 1/2" lump and 8" x 2 1/2" nut.	6.70	3.55	5.70	6.50
Bifuminous coal produced in District 16. Sub-district 9, El Paso: (E) (F) (G) (H) (I)	#6—4" x 2 1/2" nut.	6.35	3.55	5.85	6.60
	#8—2 1/2" x 1 1/2" nut.	6.10	3.20	5.10	5.60
	#9—1 1/2" x 3/8" pea.	5.85	3.05	4.85	5.35
	#10—2 1/2" x 10" slack.	4.55	2.80	4.05	4.55
	#11—1 1/2" x 10" slack.	4.30	2.60	3.80	4.30

<sup>1</sup> Pea and slack prices per net ton are based on sales for commercial use in lots of two tons or more. On sales of pea or slack for domestic use in lots of two tons or more and on commercial sales of pea or slack in lots of less than two tons, the maximum price shall be the above-listed price, plus 2¢. On sales of pea or slack for domestic use in lots of less than two tons, the maximum price shall be the above-listed price, plus 5¢.

Note: When you sell coal at your yard by the sack, in sacks filled by you, your maximum price per sack shall not exceed the number of pounds per sack times your maximum yard price per ton for the same coal reduced to cents per pound, times two.

"Sub-bituminous coal" means coal produced in District 16 and any sub-district thereof, as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior. This "sub-bituminous coal" produced in District 16 is commonly referred to as "lignite".

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 1 Delivered prices		Part 2 Yard prices	
		Per ton	Per 1/4 ton	To dealers per ton	To others per ton
Bituminous Coal produced in District 17. Sub-district 2, Canon #1: (A) (B) (C) (D) (E)	#2—3" lump.	\$9.60	\$5.05	\$8.10	\$9.10
	#2—3" x 1 1/2" nut.	9.60	4.65	8.25	8.25
	Raw.	8.75	4.45	7.85	7.85
	Washed.	8.35	4.30	7.60	7.60
	#10—1 1/2" x 1" range.	8.10	3.90	6.80	6.80
Bituminous Coal produced in District 17. Sub-district 3, Canon #2: (F) (G) (H) (I) (J)	#11—1 1/2" x 3/8" pea.	6.25	3.40	5.75	5.75
	#13—1 1/2" x 10" slack.	9.05	4.85	8.55	8.55
	#2—3" lump.	9.05	4.85	8.55	8.55
	#2—3" x 1 1/2" nut.	8.70	4.60	8.20	8.20
	Raw.	8.20	4.35	7.70	7.70
Bituminous Coal produced in District 17. Sub-district 4, Oak Hills: (K) (L) (M) (N) (O)	Washed.	7.95	4.25	7.45	7.45
	#11—1 1/2" x 3/8" pea.	7.25	3.90	6.75	6.75
	#13—1 1/2" x 10" slack.	6.25	3.40	5.75	5.75
	#2—3" lump.	9.05	4.85	8.55	8.55
	#2—3" x 1 1/2" nut.	8.70	4.60	8.20	8.20

This is the first and only amendment to Order No. G-26 that makes any change whatsoever in Appendix V.

2. Effective date. This Amendment No. 11 shall become effective on August 3, 1944. (56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7971, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13229; Filed, August 31, 1944; 9:20 a. m.]

[Region VII Order G-26 Under RMPE 122, Amdt. 12]

#### SOLID FUELS IN DENVER, COLO., AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 12. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 12 is issued.

1. The "Table of maximum prices" as set forth in paragraph (3) of "Appendix VI, Denver metropolitan trade area," is hereby amended to read as follows:

TABLE OF MAXIMUM PRICES

Kind and letter designation	Size	Part 1 Delivered prices		Part 2 Yard prices	
		Per ton	Per 1/4 ton	To dealers per ton	To others per ton
Bituminous coal produced in District 17. Sub-district 1, Walsenburg: (A) (B) (C) (D) (E)	#2—3" lump and egg.	\$9.45	\$4.95	\$8.20	\$8.95
	#2—3" x 1 1/2" nut.	8.30	4.40	7.05	7.80
	Raw.	8.40	4.45	7.15	7.90
	Washed.	6.85	3.70	6.35	7.10
	#11—1 1/2" x 3/8" pea.	5.65	3.10	5.15	5.85

This is the second amendment to Order No. G-26 that makes a change in Appendix VI. The only previous change was made by Amendment No. 1, and that change is now incorporated herein, so that the Table of Maximum Prices now effective in the Denver Metropolitan Trade Area as established by Appendix VI is as hereinabove set forth.

2. *Effective date.* This Amendment No. 12 shall become effective on August 3, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1944.

RICHARD Y. BATTERTON,  
Regional Administrator.

[F. R. Doc. 44-13225; Filed, August 31, 1944;  
9:25 a. m.]

[Region VIII Order G-3 Under MPR 329,  
Amdt. 7]

#### FLUID MILK IN KINGS OR TULARE COUNTIES, CALIF.

#### SAN FRANCISCO REGIONAL OFFICE REGION VIII

Amendment No. 7 to Order No. G-3 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1351.408 (b) of Maximum Price Regulation No. 329 as amended, Order No. G-3 under Maximum Price Regulation No. 329 is hereby amended by adding a new paragraph (k) to read as follows:

(k) Notwithstanding any of the foregoing provisions of this order, any purchaser may pay to any producer whose dairy is located in Kings or Tulare counties a permitted addition to the maximum prices specified in paragraphs (a), (b) and (j) of this order, provided the following conditions are met:

(1) The permitted addition must be paid before September 1, 1944.

(2) The amount of the permitted addition, when added to any other sum paid by the purchaser to the producer, including certificates of indebtedness, between January 1, 1944 and September 1, 1944 with respect to milk delivered during the year 1943, shall not exceed \$.021 for each pound of milk fat purchased from that producer in 1943.

This amendment shall become effective August 22, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681).

Issued this 22d day of August 1944.

BEN C. DUNIWAY,  
Acting Regional Administrator.

Approved:

PAUL C. ADAMS,  
Officer in Charge,  
Dairy and Poultry Branch,  
War Food Administration.

[F. R. Doc. 44-13237; Filed, August 31, 1944;  
9:20 a. m.]

[Region II 2d Rev. Order G-26 Under RMPR  
122, Amdt. 4]

#### BUCK RUN COLLIERY CO.

#### ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 4 to Second Revised Order No. G-26 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for "Silver Brook", "Salem Hill", and other specified anthracite sold subject to designated area dollars-and-cents orders.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Second Revised Order No. G-26 is amended in the following respects:

1. Paragraph (a) (1) is amended by adding the following table of increases to the tables already incorporated:

FOR SALES OF ANTHRACITE PRODUCED AND PREPARED BY BUCK RUN COLLIERY COMPANY

Permitted per net ton increase above applicable area ceiling price for anthracite

Size:	
Broken, egg, stove, nut and pea	\$.65
Buck	.50
Rice	.10

2. Paragraph (e) is amended by redesignating subparagraphs (7) and (8) as subparagraphs (8) and (9) respectively, and adding a new subparagraph (7) to read as follows:

(7) "Anthracite produced and prepared by Buck Run Colliery Company" refers to anthracite produced and prepared by the Buck Run Colliery Company, at its Buck Run Colliery, Buck Run, Pennsylvania.

This Amendment No. 4 to Second Revised Order No. G-26 shall become effective August 25, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of August 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-13309; Filed, August 31, 1944;  
1:31 p. m.]

[Region II Order G-6 Under SR 15 and MPR  
280, Amdt. 1]

#### FLUID MILK IN NEW YORK REGION

Amendment No. 1 to Order No. G-2 under § 1499.75 (a) 9 of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under § 1351.807 of Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products. Amendment to section (c) of Order No. G-2.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15, and by § 1351.807 of Maximum Price Regulation No. 280, as amended, and pursuant to a directive from the Director of Eco-

nomics Stabilization, It is hereby ordered, That:

Section (c) of Order No. G-2 be amended by increasing by  $\frac{1}{2}\text{¢}$  per quart and  $\frac{1}{2}\text{¢}$  per half pint, the into store maximum prices for the sale of each type of fluid milk other than Grade A raw and pasteurized, except for sales to schools, and as so amended, section (c) shall read as follows:

(c) The maximum price for the sale and delivery of each type of fluid milk other than those types specified herein shall be the maximum price established for the seller by the General Maximum Price Regulation plus the amount set forth below for the appropriate type of delivery and container size.

Type of delivery	Container size	Amount to be added
		Cents
Into store.....	Quart.....	1
	Pint.....	$\frac{1}{2}$
	$\frac{1}{2}$ pint.....	$\frac{1}{2}$
To schools.....	Quart.....	$\frac{1}{2}$
	Pint.....	$\frac{1}{2}$
	$\frac{1}{2}$ pint.....	None
Out of store.....	Quart.....	1
	Pint.....	$\frac{1}{2}$
	$\frac{1}{2}$ pint.....	None
To the home.....	Quart.....	1
	Pint.....	None

This Amendment No. 1 to Order No. G-2 shall become effective August 28, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of August 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-13308; Filed, August 31, 1944;  
1:31 p. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on August 30, 1944.

#### REGION II

Pittsburgh Order 1-F, Amendment 20, covering fresh fruits and vegetables in Pittsburgh and certain surrounding communities, filed 3:49 p. m.

Trenton Order 5-F, Amendment 4, covering fresh fruits and vegetables in Mercer, Middlesex and Monmouth, filed 3:50 p. m.

#### REGION V

Dallas Order 2-F, Amendment 9, covering fresh fruits and vegetables in Dallas District, except Dallas and Bowie Counties, filed 3:46 p. m.

Dallas Order 22, covering dry grocery items in certain named counties in Texas, filed 3:28 p. m.

Houston Order 1-F, Amendment 22, covering fresh fruit and vegetables in certain areas in Texas, filed 3:27 p. m.

Houston Order 3-F, Amendment 10, covering fresh fruit and vegetables in certain areas in Texas, filed 3:27 p. m.

St. Louis Order 3-W, Amendment 1, covering dry groceries in the City and the County of St. Louis, filed 3:47 p. m.

St. Louis Order 4-W, Amendment 1, covering dry groceries in St. Louis District, except city and county of St. Louis, filed 3:47 p. m.

St. Louis Order G-18, Amendment 4, covering dry groceries in the City and the County of St. Louis, filed 3:49 p. m.

St. Louis Order G-19, Amendment 4, covering dry groceries in the City and the County of St. Louis, filed 3:48 p. m.

St. Louis Order G-20, Amendment 4, covering dry groceries in the St. Louis District, except city and county of St. Louis, filed 3:48 p. m.

Tulsa Order 5-F, Amendment 16, covering fresh fruit and vegetables in certain counties in Oklahoma, filed 3:51 p. m.

Wichita Order G-25, covering dry groceries and certain perishables in designated counties in Kansas, filed 3:29 p. m.

Wichita Order G-26, covering dry groceries and certain perishables in designated counties in Kansas, filed 3:46 p. m.

#### REGION VI

Omaha Order 15, Amendment 4, covering dry groceries and perishables in Douglas & Sarpy Counties, Nebr., and Council Bluffs, Iowa.

#### REGION VIII

Fresno Order 1-F, Amendment 32, covering fresh fruit and vegetables in Fresno, Calif., filed 3:31 p. m.

Fresno Order 2-F, Amendment 20, covering fresh fruit and vegetables in Modesto, Calif., filed 3:31 p. m.

Fresno Order 3-F, Amendment 17, covering fresh fruit and vegetables in named cities in Calif., filed 3:31 p. m.

Sacramento Order 4-P, Amendment 3, covering fresh fish and seafood in the Redding Area, filed 3:45 p. m.

Fresno Order 6-F, Amendment 3, covering fresh fruit and vegetables in a 10 mile radius of the Court House in Makersfield, Kern County, filed 3:32 p. m.

Sacramento Order 1-F, Amendment 14, covering fresh fruit and vegetables in the Sacramento-Stockton Area, filed 3:50 p. m.

Sacramento Order 6-F, Amendment 12, covering fresh fruit and vegetables in the Sacramento District Central County Area, filed 3:50 p. m.

Sacramento Order 7-F, Amendment 12, covering fresh fruit and vegetables in the Sacramento District Northern County Area, filed 3:51 p. m.

Sacramento Order 1-P, Amendment 3, covering fresh fish and seafood in the Sacramento Area, filed 3:32 p. m.

Sacramento Order 2-P, Amendment 3, covering fresh fish and seafood in the Stockton-Marysville Area, filed 3:32 p. m.

Sacramento Order 3-P, Amendment 3, covering fresh fish and seafood in the Chico-Red Bluff Area, filed 3:33 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 44-13416; Filed, Sept. 1, 1944;  
11:44 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-72 and 59-66]

#### STANDARD GAS AND ELECTRIC CO.

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of August 1944.

Standard Gas and Electric Company, a registered holding company, having,

on March 24, 1943, filed a plan for its recapitalization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and the Commission having on the aforesaid date issued an order instituting proceedings pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of said act with respect to said company, which order also set the issues presented by the plan and the proceedings so instituted for consolidated hearings; hearings having been held on the matters so consolidated; and the Commission having, on May 29, 1944, issued its findings and opinion disapproving the provisions in said plan with respect to the note and debenture holders;

Notice is hereby given that on August 28, 1944, Standard Gas and Electric Company filed an amended plan for its recapitalization pursuant to the provisions of said section 11 (e). All interested persons are referred to said amended plan, which is on file at the office of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

1. Standard Gas and Electric Company (hereinafter sometimes referred to as Standard Gas) proposes to discharge and retire all of its outstanding notes and debentures in the principal amount of \$59,000,000 by the distribution and delivery of the following cash and securities for each \$1,000 principal amount of such notes or debentures:

(a) \$90 in cash;

(b) A new five-year 4% debenture of Standard Gas in the principal amount of \$400;

(c) 3 shares of the common stock of Pacific Gas and Electric Company;

(d) 12 shares of the common stock of Oklahoma Gas and Electric Company;

(e) 5 shares of the common stock of The California Oregon Power Company;

(f) 2 shares of the common stock of Mountain States Power Company.

The amended plan provides that holders of notes and debentures of other principal amounts will participate ratably according to their holdings, except that payment of cash will be made in lieu of the delivery of fractional shares of common stock of Pacific Gas and Electric Company, Oklahoma Gas and Electric Company, The California Oregon Power Company, and Mountain States Power Company (herein sometimes referred to as "the operating public utility companies") and in lieu of the delivery of new debentures of Standard Gas of denominations less than \$100. Accrued interest will be paid in cash on all notes and debentures at the regular semi-annual dates fixed therefor until the amended plan becomes effective, and then will be paid on each issue for the period elapsed since the last preceding interest-payment date; when the amended plan becomes effective, interest will cease. The new debentures will bear interest from the date upon which the amended plan shall become effective.

For the purposes of the computations required in the determination of the amounts of cash to be paid to the holders of the outstanding notes and debentures in partial discharge thereof and the amounts of cash to be paid to such

holders in lieu of the delivery of fractional shares of common stock of the operating public utility companies, a basic value is assigned to each share of such stock. The basic value of each share and the aggregate basic value of the shares to be distributed for each \$1,000 principal amount of notes and debentures, as so assigned, are as follows (subject to adjustment under certain condition as hereinafter provided):

Company	Number of shares to be distributed	Basic value per share	Aggregate basic value
Pacific.....	3	\$32	\$96
Oklahoma.....	12	21	252
California Oregon.....	5	24	120
Mountain States.....	2	21	42
Total aggregate basic value for shares to be distributed for each \$1,000 principal amount of notes or debentures.....			510

The plan further provides for an increase or decrease of such aggregate basic value, but by not more than three percent thereof, with corresponding adjustment of the amount of cash payable, in proportion to any increase or decrease in the average market value of certain public utility companies between August 15, 1944, and the day the amended plan shall be approved by the Commission.

2. Standard Gas proposes that the new debentures to be issued to its note and debenture holders shall have the following characteristics:

(a) They will be dated as of the effective date of the amended plan and will be payable five years after that date;

(b) They will be in bearer form, with the privilege of registration as to principal only, will be in denominations of \$100, \$500 and \$1,000, and will bear interest from the date thereof at the rate of 4% per annum, payable in equal semi-annual installments.

(c) They will be issued under a trust agreement in which Standard Gas will covenant, among other things, substantially as follows:

(i) No pledge will be made of, and no other lien (except for taxes or charges which are not overdue or which are being contested) will be placed upon, any of the property or assets of Standard Gas;

(ii) Standard Gas will not borrow any money, or become indebted other than for current debts incurred in operation and administration in the ordinary course of business, except that it may from time to time borrow, or become indebted for, not to exceed \$500,000 in principal sum at any time outstanding;

(iii) Standard Gas will not declare or pay any dividends in cash on its capital stock or make any other distribution thereon unless and until the principal amount of the outstanding new debentures shall have been reduced to \$5,000,000 or less; and in no event will it declare or pay any dividends from any source other than earned surplus accumulated after the effective date of the amended plan.

(iv) Standard Gas will pay into a sinking fund on a specified date in each

year an amount equal to 66⅔% of its net income (as determined in accordance with the Uniform System of Accounts for Public Utility Holding Companies prescribed by the Commission as amended effective January 1, 1943) for the preceding calendar year, the moneys so paid to be used for the purchase of new debentures or, to the extent not so used within a specified time, to the redemption thereof, and with the privilege to Standard Gas of tendering to the sinking fund (at the cost thereof to it), in lieu of cash, new debentures purchased from time to time by Standard Gas with funds other than those representing proceeds of the sale of capital assets by it; and

(v) Standard Gas will pay into a sinking fund the proceeds received in cash (after deduction of expenses and taxes) from all sales of capital assets or collections of indebtedness (other than current indebtedness) by Standard Gas, such proceeds to be used for the purchase or redemption of new debentures;

(d) The new debentures will be redeemable as a whole or in part, at any time, at the option of Standard Gas, at the principal amount thereof and accrued interest thereon, upon at least thirty days' published notice;

(e) Provision will be made in the trust agreement whereby the new debentures may become due and payable prior to the date fixed for their maturity in the event of the occurrence of certain defaults, including the violation of any of the covenants to be made therein by Standard Gas.

3. Standard Gas proposes to reclassify all of its presently outstanding stock into 5,020,135 shares of new no par value stock, each share of which will be represented by capital in the amount of \$10.00 and be entitled to one vote. No holder of the new common stock shall have any preemptive right to purchase any additional shares of stock which may thereafter be issued. No dividends shall be declared upon the new common stock until such time as the principal amount of the indebtedness represented by the new debentures, or by any renewal thereof or substitution therefor, has been reduced to \$5,000,000 or less.

4. Standard Gas proposes to retire its outstanding prior preference and preferred stock by the distribution to the holders thereof of the new common stock as follows:

(a) 10.5 shares of new common stock for each share of Prior Preference Stock, \$7.00 Cumulative, and all accumulated and unpaid dividends thereon, or a total of 3,867,654 shares representing 77% of the new common stock to the holders of the Prior Preference Stock, \$7.00 Cumulative;

(b) 9 shares of the new common stock for each share of Prior Preference Stock, \$6.00 Cumulative, and all accumulated and unpaid dividends thereon, or a total of 900,000 shares, representing 18% of the new common stock, to the holders of the Prior Preference Stock, \$6.00 Cumulative;

(c) ⅓ share of the new common stock for each share of \$4.00 Cumulative Pre-

ferred Stock and all accumulated and unpaid dividends thereon, or a total of 252,480⅓ shares, representing 5% of the new common stock, to the holders of the \$4.00 Cumulative Preferred Stock.

No certificates for fractional shares of the new common stock of Standard Gas will be issued. In lieu thereof, scrip certificates will be issued representing rights to such fractional shares and exchangeable, when accompanied by other certificates in such amount as to represent in the aggregate one or more full shares of stock, for certificates for such full shares. The holders of scrip certificates will not be entitled to any rights as shareholders until the scrip certificates are so exchanged. If not so exchanged within two years from the date upon which the amended plan shall become effective, all such scrip certificates will become void.

5. Standard Gas proposes to eliminate its presently outstanding common stock from participation in its recapitalization.

6. The amended plan provides that when it shall have become effective, Standard Power and Light Corporation, a Delaware corporation, the issuer of the Standard Power and Light Corporation 6% Gold Debentures, due February 1, 1957, in respect of which the payment of the principal and interest was assumed by Standard Gas on January 7, 1930, shall forthwith become and be free and discharged from all liability (if any there be) as to the payment of the principal of, and the interest on, such debentures and the performance of the covenants, obligations and conditions on its part expressed in the Trust Agreement, dated February 1, 1927, between Standard Power and Light Corporation and Guaranty Trust Company of New York, as Trustee, under which such debentures were issued.

If this Commission should approve the amended plan for the recapitalization of Standard Gas, that company requests that this Commission apply to a United States District Court pursuant to sections 11 (e) and 18 (f) of said act to enforce and carry out the terms and provisions of the amended plan.

The Commission being required by the provisions of section 11 (e) of the act to find, after notice and opportunity for hearing and before approving any plan filed thereunder, that such plan, as submitted or as amended, is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected thereby; and it appearing appropriate that notice be given and a hearing held on the amended plan to afford all interested persons an opportunity to be heard with respect thereto; and

It appearing that the common issues of fact and law arising in connection with the amended plan and the proceedings pursuant to sections 11 (b) (2), 15 (f) and 20 (a) heretofore instituted and now pending make it appropriate that hearings on said matters be consolidated;

It is hereby ordered, (a) That the hearings on the amended plan of Standard Gas and Electric Company and on

the pending proceedings pursuant to sections 11 (b) (2), 15 (f) and 20 (a) with respect to Standard Gas and Electric Company be consolidated, subject to a reservation of jurisdiction to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to said amended plan or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved;

(b) That the consolidated hearings be held on the 21st day of September, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before the 18th day of September, 1944.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That notice of this hearing be given to Standard Gas and Electric Company and to all other persons; such notice to be given to Standard Gas and Electric Company, Pacific Gas and Electric Company, Oklahoma Gas and Electric Company, The California Oregon Power Company, Mountain States Power Company, Standard Power and Light Corporation, Guaranty Trust Company of New York, Pam, Hurd and Reichmann, A. J. Fleischmann and Continental National Bank and Trust Company of Chicago by registered mail and to all other persons by publication in the FEDERAL REGISTER, and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under said act; and

It is further ordered, That Standard Gas and Electric Company mail a copy of the amended plan and this notice and order at least fifteen days prior to September 21, 1944, to each of its security holders at his last-known address; and

It is further ordered, That without limiting the scope of issues presented by said amended plan, by said amended declaration and application, or by the pending proceedings instituted pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of said act, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the amended plan as proposed or as modified is necessary to effectuate the provisions of section 11 (b)

of the act and is fair and equitable to the persons affected thereby;

2. Generally, whether the proposed transactions of Standard Gas and Electric Company are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modification should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-13356; Filed, Sept. 1, 1944;  
9:41 a. m.]

[File No. 70-935]

INDIANA & MICHIGAN ELECTRIC CO. AND  
AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATIONS AND PERMIT-  
TING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of August, A. D. 1944.

American Gas and Electric Company, a registered holding company, subsidiary of Electric Bond and Share Company, also a registered holding company and Indiana & Michigan Electric Company, a utility subsidiary of American Gas & Electric Company, having filed joint applications and declarations and amendments thereto, pursuant to sections 6 (b), 7 (e), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-50 thereunder with respect to: (1) the issuance of notes to banks in the principal amount of \$7,880,000 by Indiana & Michigan Electric Company and the use of the proceeds of such notes to purchase from American Gas and Electric Company 36,017 shares of the 6% and 7% preferred stock of Indiana & Michigan Electric Company and to redeem from the public 38,976 shares of such stock; (2) the cancellation, by Indiana & Michigan Electric Company, of all of its presently issued preferred stock and the restatement of its charter so as to provide that the authorized shares will consist of 250,000 shares of \$100 par value cumulative preferred stock and 1,250,000 shares of no par value common stock and to provide voting rights to the preferred stock under certain circumstances; (3) the issuance and sale under competitive bidding pursuant to Rule U-50 of 120,000 shares of the newly authorized \$100 par value cumulative preferred stock, the bid or bids thereon to fix the dividend rate and the price to be paid to the company; and (4) the issuance and sale by Indiana & Michigan Electric and the acquisition by American Gas and Electric Company of 129,024 shares of common stock for cash in the amount of \$3,000,000; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said applications-declarations, as amended, be and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and to the following terms and conditions:

(1) That the proposed issuance and sale of the 120,000 shares of \$100 par value cumulative preferred stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transaction;

(2) That Indiana & Michigan Electric Company shall not pay any cash dividends on its common stock out of earned surplus accumulated prior to October 1, 1944.

(3) That within one year from the date of this order the proceeds of the sale of the new preferred stock in excess of that necessary in effecting the redemption and acquisition of the presently outstanding preferred stock shall have been dedicated to one or more of the following: (a) the purchase of properties for which negotiations are now in process, (b) the redemption of publicly-held securities of Indiana General Service Company, or (c) the construction of additional generating facilities, and that, failing such dedication within such period, such proceeds shall be used for the redemption of the long-term debt and/or preferred stock of Indiana & Michigan Electric Company.

It is further ordered, That jurisdiction be, and hereby is, reserved over all legal fees and expenses to be paid in connection with the proposed transactions and to the extent necessary to ensure compliance with any of the conditions contained in this order.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-13358; Filed, Sept. 1, 1944;  
9:41 a. m.]

[File No. 70-909]

CENTRAL INDIANA GAS COMPANY

ORDER GRANTING APPLICATION AND PERMIT-  
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of August, A. D. 1944.

Central Indiana Gas Company, a subsidiary of a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6 (b) and 12 (c) thereof, said application-declaration relating to the purchase by the company at 102 of \$301,000 principal amount of its First Mortgage 4% Bonds due 1962 from five insur-

ance companies who were the original purchasers of the entire issue, the retirement of said bonds, and the modification of the indenture securing the \$3,250,000 remaining outstanding bonds in respect of the annual interest rate, the optional redemption price and sinking fund provisions of said bonds;

Said application-declaration containing a request that the Commission enter an order finding that, with respect to the proposed issuance and sale of said bonds, compliance with paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate; and

A public hearing having been held after appropriate notice, the Commission having made and filed its findings and opinion therein; and

The Commission finding that, with respect to the proposed issuance and sale of bonds, an exemption from the requirements of Rule U-50 is appropriate;

It is hereby ordered, That, pursuant to the applicable provisions of said act, the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed by Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-13357; Filed, Sept. 1, 1944;  
9:41 a. m.]

WAR MANPOWER COMMISSION.

[Amdt. 2]

BURLINGTON, VT., AREA

EMPLOYMENT STABILIZATION PROGRAM

AUGUST 22, 1944.

The employment stabilization program for the Burlington Area effective October 15, 1943, is hereby amended in the following respects:

1. Section 19 *General Referral Policies* (originally section 18) is hereby amended by inserting the figure one (1) at the beginning of the section as previously adopted and by adding the following paragraph:

(2) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee, shall adopt Standards of Priority Referral to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: August 25, 1944.

E. REYNOLD JOHNSON,  
State Director.

Approved: August 29, 1944.

DAVID G. NAGLE,  
Acting Regional Director.

[F. R. Doc. 44-13331; Filed, August 31, 1944;  
4:14 p. m.]

## WILLIMANTIC, CONN., AREA

## EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Willimantic Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

## Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by the United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. Seniority.
19. General referral policies.
20. Effective date.

**SECTION 1. Purpose.** The employment stabilization program has been adopted in the Willimantic Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities,
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

**SEC. 2. Definitions.** As used in this employment stabilization program:

- (a) The "Willimantic Area" is comprised of the territory designated in Appendix A.
- (b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (c) "State" includes Alaska, Hawaii, and the District of Columbia.
- (d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For

the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Willimantic Area with the approval of the Regional Director to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply. A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director, with the approval of the Regional Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439).

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

**SEC. 3. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Willimantic Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

**SEC. 4. Authority and responsibilities of Management-Labor Committee.** The Area Management-Labor War Manpower Committee for the Willimantic Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

**SEC. 5. Encouragement of local initiative and use of existing hiring channels.** The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

The Area Director may after consultation with the Area Labor-Management Committee authorize the United States Employment Service to designate a union or unions as hiring halls, with the right to make referrals to specific job openings.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

**SEC. 6. General.** A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

**SEC. 7. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof. (See section 9.)

**SEC. 8. Issuance of statements of availability by the United States Employment Service.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

The employer who continues to be in non-compliance after notice, hearing, and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment. Nothing in this section shall be construed to supersede the provisions of section 10 (d).

A temporary statement of availability shall contain in addition to the provisions of the regular form the words:

The employer hiring the above-named worker shall not retain such worker in his employ after \_\_\_\_\_ and shall not issue a statement of availability to such worker upon his release.

**SEC. 9. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**SEC. 10. Workers who may be hired only upon referral by the United States Employment Service.** Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation or his

statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

(e) The new employee is a male worker.

**SEC. 11. Hiring contrary to the program.** An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

**SEC. 12. Exclusions.** No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**SEC. 13. Appeals.** Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

**SEC. 14. Statements of availability.** A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by an employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

**SEC. 15. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions determined by the Area Manpower Director or his representative.

**SEC. 16. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

**SEC. 17. Representation.** Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

**SEC. 18. Seniority.** Workers referred or transferred with statements of availability under the terms of this area employment stabilization program shall, to the maximum extent possible, consistent with existing contractual relations between the employer and the employee:

(a) Preserve and accrue their seniority rights with their home employer in the same manner and with the same qualifications provided either by union agreement or by plant custom; and

(b) Be reemployed by their home employer according to the seniority agreement of custom mentioned above, provided they apply for reemployment within 40 days of either the date they terminate from the plant to which they first transferred, or the date when the

U. S. Government declares an end to the war emergency, whichever is sooner.

Workers transferred with statements of availability and later entering the armed forces under the Selective Service Act will have the same rights for reemployment with their home employer as provided in (a) and (b).

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

SEC. 19. *General referral policies.* No provision in this program shall limit the authority of the United States Employment Service or any other governmental

agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 20. *Effective date.* This program shall be effective as of May 31, 1944 and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: June 19, 1944.

WM. G. ENNIS,  
Area Director.

Approved: July 22, 1944.

ARTHUR C. GERNES,  
Acting Regional Director.

#### APPENDIX A—DESIGNATION OF THE WILLIMANTIC AREA

The Willimantic Area is comprised of the territories included in the following cities and towns in the State of Connecticut:

Andover, Ashford, Chaplin, Columbia, Coventry, Hampton, Hebron, Lebanon, Mansfield, Scotland, and Windham.

#### APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following shall be considered additional controlled occupations in the Willimantic Area:

Dresser tender (textile).  
Comber tender.  
Twister tender.  
Card tender.  
Spinner, frame.  
Automobile mechanic.  
Machine fixer III (textile).  
Yarn winder.

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