FEDERAL REGISTER

VOLUME 9 NUMBER 210

Washington, Friday, October 20, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 9-16]

PART 1220—FEED

LIMITATION ON DELIVERIES OF LINSEED OIL MEAL

Pursuant to the authority vested in me by War Food Order No. 9 (formerly Food Production Order No. 9, 8 F.R. 16960, 9 F.R. 3475, 4319, 8767, 10747, 10926), and in order to provide for an equitable distribution of linseed oil meal, it is hereby ordered, that:

§ 1220.19 *Limitation on deliveries of linseed oil meal*—(a) *Nature of limitation.* During the calendar quarter beginning October 1, 1944, no processor shall deliver to any person, for resale in any form, a quantity of linseed oil meal which, together with all other deliveries of linseed oil meal to such person from any source, exceeds the average quantity of linseed oil meal delivered to such person, for resale in any form, during the corresponding quarters of the calendar years 1942 and 1943. For the purpose of this order, linseed oil meal which was sold through a broker during the last quarters of the calendar years 1942 and 1943 shall be considered to have been delivered to such broker. The limitation imposed by this paragraph shall not apply to deliveries of linseed oil meal made in fulfillment of a Certificate of Designated Buyer issued pursuant to any set aside order made by the Director of Production under War Food Order No. 9.

(b) *Compliance declaration.* No processor shall deliver any linseed oil meal to any person, for resale in any form, after the issuance of this order and before January 1, 1945, unless such person furnishes the processor with a declaration showing compliance with the provisions of this order. Such declaration shall be in substantially the following form:

The undersigned declares to _____
Processor

and to the War Food Administration that he is familiar with the provisions of War Food Order No. 9 and War Food Order No. 9-16, that the purchase, acquisition, or acceptance of linseed oil meal from said processor is in compliance with the provisions of such orders. The linseed oil meal to be delivered by said processor, together with all other linseed oil meal already delivered or on order and to be delivered by any person to the undersigned, during the calendar quarter beginning October 1, 1944, for resale in any form, does not exceed the average amount of linseed oil meal delivered to the undersigned during the corresponding quarters of the calendar years 1942 and 1943 for resale in any form.

_____
Name

_____ _____
Date Address

For the purposes of this order, a processor shall be entitled to rely upon the truthfulness of any such declaration, unless he knows or has reason to believe that such declaration is false. Any person who knowingly furnishes a false compliance declaration shall be deemed to have violated this order. Each processor shall keep all compliance declarations received on file for at least two years. The submission of the above declaration will also fulfill the requirement of paragraph (h) of War Food Order No. 9.

NOTE: The record keeping requirement of this order has been approved by 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 18th day of October 1944.

J. B. HUTSON,
Director of Production.

[F. R. Doc. 44-16119; Filed, Oct. 19, 1944; 11:09 a. m.]

CONTENTS

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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.

CONTENTS—Continued

CONTENTS—Continued

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

PART 168—FIELD SERVICE OFFICERS' POWERS AND DUTIES

POWERS AND DUTIES OF OFFICERS

OCTOBER 9, 1944.

Sections 60.21, 60.22, 60.23, 168.4, 168.5, 168.6, 168.7, 168.9, and 168.14 of Title 8, Chapter I, Code of Federal Regulations are hereby revoked.

The following new sections are added to Part 60, Title 8, Chapter I, Code of Federal Regulations:

§ 60.2 *District directors; powers and duties.* (a) Under the general direction of the Commissioner and subject to the provisions of this chapter, a district director shall supervise and direct, within his district, the administration and enforcement of the immigration, nationality, and all other laws administered by the Service. He shall control all officers and employees of the Service within his district and shall be responsible for all interests of the Service. His office shall be located at the headquarters of the district. A district director shall designate the officer or employee who shall act in his stead in his absence.

(b) The provisions of paragraph (a) shall not apply to alien enemy internment camps which the Commissioner designates as independent camps. Such camps shall be operated by an officer in charge who shall be under the general direction of the Commissioner.

§ 60.28 *Power of arrest without warrant, of boarding and searching, and of executing warrants.* Immigrant inspectors and all persons designated immigrant inspectors by § 60.27 are hereby authorized to exercise the power of arrest without warrant, the power to board and search vessels and other conveyances, and the power to execute warrants and other processes conferred by the Act of February 27, 1925 (43 Stat. 1049; 8 U. S. C. 110).

JOSEPH SAVORETTI,
Acting Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44–16092; Filed, Oct. 18, 1944; 2:57 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter III—The Tax Court of the United States

PART 701—RULES OF PRACTICE

RECORDS; MISCELLANEOUS AMENDMENTS

These amendments to the rules of practice, edition of July 1, 1944, are issued

pursuant to the authority contained in section 1111, Internal Revenue Code of 1939.

In § 701.51 *Costs; preparation of record on review,* in the first paragraph, strike the period after the figure 548–54; substitute a comma and add: "as amended by the Act of September 27, 1944, Public Law 427—78th Congress."

In § 701.53 *Copies of records; fees for furnishing,* at the end of the section, strike the period after the figure 548–54; substitute a comma and add: "as amended by the Act of September 27, 1944, Public Law 427, 78th Congress."

Effective: October 20, 1944.

Dated: October 19, 1944.

By the Court.

[SEAL] J. E. MURDOCK,
Presiding Judge.

[F. R. Doc. 44–16111; Filed, Oct. 19, 1944; 10:20 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–609, Stay of Execution]

THOMPSON-WINCHESTER CO.

The Thompson-Winchester Company of Boston, Massachusetts, has appealed from the provisions of Suspension Order No. S–609, issued October 3, 1944 and effective October 10, 1944 (§ 1010.609) 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–609, issued October 3, 1944 and effective October 10, 1944, are hereby stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

Issued this 18th day of October 1944.

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

[F. R. Doc. 44–16108; Filed, Oct. 18, 1944; 4:56 p. m.]

PART 1038—GRAPHITE

[Supplementary Order M–61–a, Revocation]

GRAPHITE CRUCIBLE SIMPLIFICATION

Section 1038.2 *Supplementary Order M–61–a* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Issued this 19th day of October 1944.

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

[F. R. Doc. 44–16128; Filed, Oct. 19, 1944; 11:26 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Regulation 4, Direction 5]

DISPOSAL OF CONTROLLED MATERIALS PROCURED BY A WAREHOUSE OR DISTRIBUTOR FOR HIS STOCK FROM HOLDERS OF IDLE OR EXCESS INVENTORIES, INCLUDING THE METALS RESERVE CO.

The following direction is issued pursuant to CMP Regulation 4:

(a) *What this direction does.* This direction explains the rules applicable to the procurement, delivery and reporting by warehouses and distributors of idle or excess controlled materials which they get from sources other than controlled material producers, warehouses and distributors. Separate treatment must be accorded by a warehouse or distributor to idle or excess controlled materials (1) purchased from a holder for resale from his own commercial warehouse stock, (2) which are government-owned and received into his stock for sale by him as an agent for the Metals Reserve Company, and (3) purchased from a holder for resale from an earmarked warehouse stock established with him by the War Production Board.

(b) *Materials purchased from holders of idle or excess inventories for commercial warehouse stock*—(1) *Applicable rules governing procurement and deliveries.* Controlled materials may be purchased by a warehouse or distributor from a holder of idle or excess inventories, including the Metals Reserve Company, for resale from his commercial warehouse stock. All deliveries to consumers of materials so purchased from warehouse stock must be made in accordance with CMP Regulation No. 4. In addition, a distributor may deliver steel to other distributors as provided in Orders M–21–b–1 and M–21–b–2, and may apply to the War Production Board for permission to deliver steel to a customer ex-allotment under the provisions of Direction 44 to CMP Regulation No. 1.

(2) *Stock replacement.* Steel purchased by a distributor for his commercial warehouse steel from a holder of idle or excess inventory, when sold, may be replaced by ordering from a producer or another distributor in accordance with, and subject to the limitations of, paragraph (c) of Order M–21–b–1 or paragraph (c) of Order M–21–b–2. Copper wire mill products purchased by a warehouse for his commercial stock from a holder of idle or excess inventory, when sold, may be replaced in accordance with Direction 4 to CMP Regulation No. 4. Other controlled materials purchased by a warehouse or distributor for his commercial warehouse stock from a holder of idle or excess inventory, when sold, may be replaced in accordance with the specific directions received by the warehouse or distributor from the War Production Board.

(3) *Reports required.* In filing any required reports, any controlled materials purchased in accordance with this paragraph (b) should be included as receipts of "idle or excess materials" and, when sold, should be included along with deliveries of materials purchased from producers, warehouses, or distributors. However, aluminum distributors need not report such sales, and receipts of aluminum separately but may report them in the same way they report other sales and receipts of aluminum.

(c) *Controlled materials received into stock for sale by a warehouse or distributor as agent for the Metals Reserve Company.* To assist with the disposal of government-owned stocks of controlled materials resulting from design changes, cut-backs, and cancellations of war contracts, the Metals Reserve Company may contract with various warehouses and distributors to receive such materials into their stocks and to act as agents for the Metals Reserve Company in the sale of the material to qualified purchasers.

(1) *Applicable rules governing procurement and deliveries.* All controlled materials received by a warehouse or distributor into his stock which remain the property of the Metals Reserve Company may be sold subject to the provisions of Priorities Regulation No. 13. In addition, pursuant to paragraph (m) (2) (i) of CMP Regulation No. 4, such materials may be delivered on orders bearing the allotment symbol Z–1–E, but the other provisions of CMP Regulation No. 4 do not apply to the sale of controlled materials owned by the Metals Reserve Company. If special permission of a Regional Office of the War Production Board is required to make a particular delivery the warehouse or distributor, acting as agent for the Metals Reserve Company, may apply in the name of the Metals Reserve Company to the nearest regional office of the War Production Board for permission to make the delivery. If permission is granted, the War Production Board will issue to the warehouse or distributor Form WPB–3320, authorizing him, as agent for the Metals Reserve Company, to make the delivery.

(2) *Stock replacement.* No deliveries of steel made by a distributor from a stock owned by the Metals Reserve Company but held in his warehouse for sale by him as agent for that company may be used to support purchase orders for the replacement of his commercial or earmarked warehouse stocks.

(3) *Reports required.* Unless specifically requested by the War Production Board, a warehouse or distributor accepting a stock of controlled materials from the Metals Reserve Company need file no report with the War Production Board covering the activity of such stock, and he must not include any data on receipts into, deliveries from, or inventory on hand in such stock in any report which he is required to file regularly with the War Production Board regarding the activity of his commercial or earmarked warehouse stocks.

(d) *Controlled materials purchased by a warehouse or distributor for resale from a War Production Board earmarked stock*—(1) *Applicable rules governing procurement and deliveries.* If a warehouse or distributor wishes to purchase controlled materials from a holder of idle or excess inventory, or from materials held by him for sale as agent of the Metals Reserve Company for an earmarked warehouse stock established with him by the War Production Board, he may do so, but all such purchases, and all subsequent deliveries of such material from the earmarked stock, must be made only in accordance with the terms of the earmarked warehouse stock directive issued to him.

(2) *Stock replacement.* Deliveries of controlled materials by a warehouse or distributor from a War Production Board earmarked warehouse stock may be replaced only in accordance with the terms of the earmarked warehouse stock directive issued to him.

(3) *Reports required.* Any controlled materials purchased by a warehouse or distributor from a holder of idle or excess inventory for an earmarked warehouse stock must be reported as a receipt and, when sold, as a delivery from stock on any report which the warehouse or distributor is required to file

with the War Production Board covering the activity of his earmarked warehouse stock.

Issued this 19th day of October 1944.

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

[F. R. Doc. 44-16124; Filed, Oct. 19, 1944; 11:26 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, as Amended Sept. 28, 1944, Amdt. 1]

Amend Schedule A under the general heading "Miscellaneous products" by adding a semi-colon and the following phrase "duck and duck substitutes" at the end of the item "AA-1 textiles: high tenacity tire type rayon yarn; woolen rayon, and nylon tire cord and tire fabric".

Issued this 18th day of October 1944.

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

[F. R. Doc. 44-16107; Filed, Oct. 18, 1944; 4:56 p. m.]

PART 3270—CONTAINERS

[Limitation Order L-239-a, Revocation]

PAPER MILK CONTAINERS

Section 3270.71 *Limitation Order L-239-a* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Limitation Order L-336 (Sanitary Food Containers) as amended October 14, 1944.

Issued this 19th day of October 1944.

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

[F. R. Doc. 44-16127; Filed, Oct. 19, 1944; 11:26 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-212, Revocation]

INCANDESCENT LIGHTING FIXTURES

Section 3284.51 *General Limitation Order L-212* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of incandescent lighting fixtures remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 19th day of October 1944.

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

[F. R. Doc. 44-16125; Filed, Oct. 19, 1944; 11:26 a. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-236, Schedule I as Amended Oct. 19, 1944]

BUILDERS' FINISHING HARDWARE, CABINET LOCKS AND PADLOCKS

§ 3284.82 *Schedule I to Limitation Order L-236*—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, finishes, or otherwise processes builders' finishing hardware, cabinet locks or padlocks.

(2) "Builders' finishing hardware" means the following devices produced for supporting, guarding, operating, controlling, or securing various parts of a building or structure: butts, hinges, hasps and related items; checking floor hinges; cabinet hardware, including cabinet hinges, knobs, pulls, and catches; hydraulic door closers; hangers, track, pivots, guides, and related items; locks and door trim; sash, screen and shelf hardware; night latches and dead locks; spring hinges; lavatory door hardware; panic bolts; sash balances; door holding devices: This definition of "builders' finishing hardware" also includes articles which are commonly understood by the industry to be "builders' finishing hardware," such as metal mail boxes, screen door braces, kick plates and push bars.

(3) "Cabinet lock" means a lock (exclusive of an entrance or communicating door lock, night latch, or padlock) operated by a key or combination, which is designed and constructed for the purpose of guarding, controlling, or securing the opening of a box, cabinet, cupboard, desk, drawer, locker, wardrobe or part of a building.

(4) "Padlock" means a portable locking device consisting of a case and shackle designed and constructed for the purpose of guarding, controlling or securing the access to any building, structure, container or article.

(5) "Lend-Lease Government" means the government of any foreign country pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(b) *Simplified practices.* No producer shall manufacture, put in process, assemble or otherwise complete any builders' finishing hardware, cabinet locks or padlocks except those items named in Tables I through XV of this Schedule I, and those permitted items must conform with the sizes, types, materials, grades, finishes and other specifications set forth in those Tables.

(c) *Tolerance.* A tolerance is permitted in the sizes set forth in Tables I through XV of this schedule of 5/32" plus or minus.

(d) *Keys.* Locks and latches keyed alike shall be furnished with not more than one key per lock or latch. Other locks and latches shall be furnished with not more than two keys per lock or latch. Only three master keys may be furnished with each group of locks or latches when required to be master keyed.

(e) *Exceptions.* The provisions of this schedule do not apply to:

(1) Builders' finishing hardware and cabinet locks specifically designed for use in the operation of a railroad or street railway, except in the construction of a building.

(2) Railway switch padlocks.

(3) Builders' finishing hardware, cabinet locks or padlocks specifically designed to protect electrical equipment.

(4) Prison locks, time locks, locks for bank safe deposit boxes or vault door hardware.

(5) Special hardware required for aircraft hangar doors.

(6) Elevator door hardware.

(7) Locks required for fire doors bearing underwriters' label.

(8) Builders' finishing hardware, cabinet locks or padlocks where the use of non-sparking metal is necessary to prevent a hazard in the use or storage of explosive or inflammable materials.

(9) Builders' finishing hardware and cabinet locks for use by the Army, Navy and Veterans' Administration in the construction of a permanent hospital and all buildings in the hospital group.

(10) Builders' finishing hardware and cabinet locks produced for export under a license issued by the Office of Foreign Economic Administration or to fill an order of a Lend-Lease government when the sizes, types and designs permitted in Tables I through XV will not fulfill the requirements of foreign use. (This is not an exception as to the materials or finishes permitted in Tables I through XV).

(11) Parts produced for the repair of builders' finishing hardware, cabinet locks or padlocks.

(12) Marine joiner hardware as defined in Schedule IV of Order L-236.

(f) *Records.* Each producer of builders' finishing hardware, cabinet locks and padlocks shall execute and file with the War Production Board such reports and questionnaires as shall be required from time to time.

(g) *Fabricated parts.* The use of fabricated parts of copper or copper base alloy in the production of builders' finishing hardware, cabinet locks and padlocks is permitted: *Provided,* Such fabricated parts were in the possession of the producer on the 30th day of November 1943.

Issued this 19th day of October 1944.

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

TABLE I—BUTTS, HINGES AND RELATED ITEMS

Materials permitted are ferrous metals.

Finishes permitted are US1B, US18A unsanded, USP, US2G, US2H and lead. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Where tips are indicated by numbers shown, such tips shall be button type only. All items listed may be made to template when required.

Federal numbers are taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E-FF-H-116B.

Stanley numbers are taken from Stanley Works Catalog #61, for use as a guide. Similar products of other manufacturers will be permitted.

Federal No.	Description	Size
E2014	Loose pin steel butt	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"
E2014C	Loose pin cast iron butt	2½", 3", 3½", 4", 4½", 5".
E2018	Loose pin light steel butt	2½" x 2", 2½" x 2½", 3" x 3".
E2022	Light narrow butt loose pin	1" x 1", 1½" x 1½", 2" x 1⅝", 2½" x 1¾", 3" x 2".
E2022F	Light narrow butt fast pin	1" x 1", 1½" x 1½", 2" x 1⅝", 2½" x 1¾", 3" x 2".
E2029	Steel transom butt	2" x 2", 2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4".
E2029C	Cast iron transom butt	2½", 3", 3½".
E2031	Reversible butt hinge loose pin	2" x 2", 2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½".
E2040	Wide throw butt	3" x 4" 4" x 5", 4" x 6", 4" x 7", 4½" x 6", 5" x 7", 5" x 8".
E2060C	Cast iron hospital type butt	3½" x 3½", 4" x 4" 4½" x 4½", 5" x 5".
EB2080	Half surface butts	3", 3½", 4", 4½".
E2084C	Cast iron half surface butts	4½", 6".
E2138	Garage hinge	12", 18", 24", 36".
E2140	Garage hinge	12", 18", 24", 36".
E2201	Light strap hinge	2", 3", 4", 5", 6", 8".
E2203	Strap hinge	4", 5", 6", 8", 10", 12".
E2207	Light tee hinge	2", 3", 4", 5", 6", 8".
E2208	Heavy tee hinge	4", 5", 6", 8", 10", 12".
E2209	Extra heavy tee hinge	4", 5", 6", 8", 10", 12".
E2212	Extra heavy half surface tee hinge	8", 10", 12".
E2010	Ball bearing butt	4" x 4", 4½" x 4½", 5" x 5", 6" x 6".
E2060	Ball bearing hospital butt	4" x 4", 4½" x 4½", 5" x 5".
E2080	Half surface ball bearing butt	4", 4½", 5".
Stanley No.		
1775	Hinged garage door set	With 10" hinges.
952	Bolt hook and strap hinges	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36".
951	Screw hooks and strap hinges	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36".
1664	Bolt hooks	¼" x 6", ⅝" x 8", ¾" x 10", ⅞" x 10".
1665	Screw hooks	⅓" x 4", ⅝" x 5", ¾" x 6", ⅞" x 7".
BB852	Ball bearing butt hinge	

TABLE II—CHECKING FLOOR CLOSERS AND OVERHEAD CONCEALED CLOSERS

Materials permitted are ferrous metals zinc and aluminum. Brass may be used for regulating screw assemblies.

Finishes permitted are USP, US2G, US18A unsanded, US18A sanded and lead. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Numbers have been taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specifications E-FF-H-121A.

Type numbers:	*Sizes permitted*
E3500	III.
E3510	I.
E3520	II and III.
E3520A	II and III.
E3525A Pivot	(Aluminum only).

One type (no Federal number) similar to "Unicheck" as manufactured by The Oscar C. Rixson Co., Chicago, Illinois.

Overhead concealed door closers of similar types and sizes to the permitted floor types, listed in this Table II.

TABLE III—CABINET HARDWARE INCLUDING CABINET HINGES

Materials permitted are ferrous metals, antimonial lead, glass, wood, plastic, aluminum and zinc.

Finishes permitted are USP, US18A unsanded, US18A sanded, US2G, enamel and lead. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

The U. S. Numbers are taken from the U. S. Federal Hardware Specifications, issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification.

CABINET HINGES

Full surface type—(applied on outside of cabinet door) for flush and ⅜" offset doors. Each manufacturer limited to three (3) designs.

Not more than one size in each design.

Semi-surface type—semi-concealed hinges for flush doors and doors with ⅜" offset. Each manufacturer limited to three (3) designs.

Not more than one size in each design.

Half surface type—for flush doors only. Each manufacturer limited to three (3) designs.

Not more than one size in each design.

KNOBS AND PULLS

Knobs—Each manufacturer limited to three (3) designs with sizes permitted from ⅞" to 1¼" inclusive.

Pulls—Each manufacturer limited to three (3) designs with sizes permitted from 2½" to 4½" inclusive.

NOTE: Knobs and pulls shall be applied by steel screw or bolt.

CABINET CATCHES

Friction catches—Each manufacturer limited to three (3) types.

Elbow catches—Each manufacturer limited to two (2) designs.

TABLE IV—HYDRAULIC DOOR CLOSERS AND DOOR CHECKS

Materials permitted are ferrous metals, zinc and aluminum. Brass may be used for regulating screw assemblies.

Finishes permitted are USP or any lacquer finish. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Numbers have been taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E-FF-H-121A.

Standard Surface Type E-3004, Sizes 3 and 4.

Standard Surface Type E-3005, Sizes 3 and 4.

Underwriters' Laboratories approved type with fusible link (one type only) size 4.

DOUBLE ACTING SURFACE CHECK

(One size only) similar to Oscar C. Rixson Company's #44.

CLOSER BRACKETS

Soffit Type, sizes 3 and 4.

Corner Type, sizes 3 and 4.

TABLE V—HANGERS, TRACK AND RELATED ITEMS

Materials permitted are ferrous metals and aluminum.

Finishes permitted are US1B, US2G, US2H, and lead.

R-W numbers are taken from Catalog #90 of the Richards-Wilcox Mfg. Co. for use as a guide for comparable items of all manufacturers.

This table shall not affect the manufacture of rolling steel shutters.

Each manufacturer is limited to the designs, sizes and quantities listed under the following sub-headings:

SLIDING DOOR HARDWARE

One type of hinged hangers for flat steel track in three sizes.

One type of rigid hangers for flat steel track in three sizes.

Flat steel track in the following three sizes: 1" x 3/16", 1¼" x 3/16", 3½" x ⅜".

Track for doors over 2,000 lbs. Each manufacturer limited to one design.

Storm-proof track. Each manufacturer limited to one design.

Trolley or formed track, rectangular or round, with removable brackets and hangers, in six sizes, suitable for the following door weights:

100 lbs.
to 300 lbs.
to 600 lbs.
to 800 lbs.
to 1200 lbs.
to 2000 lbs.

SLIDING DOOR STAY ROLLERS

Lag screw type, straight and bent. One type for light doors for side attachment, similar to R-W No. 53.

One type for light doors for floor attachment, similar to R-W No. 54.

One type for heavy doors for side attachment, similar to R-W No. 68.

Two types for heavy doors for floor attachment, similar to R-W Nos. 59 and 154.

SLIDING DOOR GUIDES

Single type for light doors, similar to R-W No. 372.

Double and triple type for parallel doors, similar to R-W Nos. 172 and 173.

One type for light center parting doors, similar to R-W No. 271.

One type for heavy center parting doors, similar to R-W No. 171.

One type used as end stop, similar to R-W No. 572.

One type for sliding-folding doors, similar to R-W No. 771.

SLIDING DOOR PULLS

Extra heavy cast pull, similar to R-W No. 470.

Cast iron or steel pulls in two sizes, similar to R-W Nos. 70-1 and 70-2.

Surface type pulls in two sizes.

BUMPER SHOES

One type, similar to R-W No. 435 x 72.

SLIDING DOOR BUMPERS

Each manufacturer limited to one design.

GARAGE DOOR HOLDER

Each manufacturer limited to one design.

DOOR LATCHES

Gravity type, reversible, in two sizes with two types of keepers.

Bar type, in two sizes with two types of keepers, similar to R–W No. 152.

Draw type for parallel doors, similar to Allith Prouty No. 396, Catalog #101.

Reversible flush type, similar to R–W No. 520.

Swinging type, similar to Lawrence Bros. No. 122, Catalog #19.

Reversible type for light doors, similar to R–W No. 325.

SLIDING-FOLDING DOOR SETS

Using formed steel track for combination of from two to ten doors.

FOLDING PARTITION DOOR HARDWARE SETS

Using hangers at top placed in center of door and no guide track at bottom, similar to R–W No. 135.

Using door supporting rollers at bottom or top and guide track at bottom or top.

With hangers at top placed in center of doors with special operating device, either manually or electrically controlled, similar to R–W No. 405.

OVERHEAD DOOR HARDWARE SETS

One type of weight counterbalanced hardware, for each standard size of one piece overhead door.

One type of spring counterbalanced hardware, for each standard size of one piece overhead door.

One type of weight counterbalanced hardware in two sizes for sectional type overhead doors.

One type of spring counterbalanced hardware in two sizes for sectional type overhead doors.

ONE OR MORE SECTION VERTICAL LIFT DOOR SETS

One type of counterbalanced hardware for each size of door.

JACKKNIFE DOOR SETS

One type of counterbalanced hardware for each size of door.

FIRE DOOR HARDWARE

Single sliding door sets using Underwriters' standard hardware with flat or round track for metal clad or steel door, incline or level track.

Center parting sliding door sets using Underwriters' standard hardware with flat or round track for metal clad or steel doors, incline or level track.

Vertical sliding door sets, with Underwriters' standard hardware, using flat track for metal clad or steel doors.

Single swing door sets, using Underwriters' standard hardware, for metal clad or steel doors.

Double swing door sets, using Underwriters' standard hardware, for metal clad or steel doors.

Single swing shutter sets using Underwriters' standard hardware, for metal clad or steel shutters.

Double swing shutter sets, using Underwriters' standard hardware, for metal clad or steel shutters.

Trap door sets for light trap doors, using hardware for metal clad or steel doors.

Trap door sets for heavy trap doors using hardware for metal clad or steel doors.

(a) Automatic closing devices for sliding fire doors shall be confined to one type, single fusible link, similar to R–W No. 201. If necessary to hang doors on level track, additional weights, chain and sheave may be furnished. Brass or bronze may be used for fusible link.

(b) Automatic closing devices for single swing fire doors shall be confined to one type, similar to R–W No. 406. Brass or bronze may be used for fusible link.

(c) Automatic closing devices for double swing fire doors shall be confined to one type, similar to R–W No. 506. Brass or bronze may be used for fusible link.

HEAVY INDUSTRIAL HINGES

Ten types similar to R–W 434–WA, B, C, CC, D, E, J, K, 1035 and 1036. All may have either disc or ball bearings.

TABLE VI—LOCKS AND LOCK TRIM

Materials permitted are ferrous metals, zinc, aluminum, plastics, wood, pottery and glass.

Brass may be used for cylinder assemblies and keys, for essential working parts of cylinder locks and for faces of cylinder locks.

Finishes permitted are US1B, US18, US18A unsanded, US18A sanded, US2G and lead. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Each manufacturer shall be limited to the number of designs designated under each sub-heading.

Numbers have been taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E–FF–H–106.

DOOR KNOBS

Each manufacturer shall be limited to three designs of wrought metal knobs and three designs of cast metal knobs in sizes not to exceed 2¼" diameter.

Glass, plastic, pottery or wood knobs—Each manufacturer limited to three designs and/or sizes of each type, sizes not to exceed 2¼" diameter.

Closet spindles of not more than one design are permitted in lieu of knobs for inside of closet doors.

KNOB ROSES

Shall be plain design, approximate diameter 1¾", 2", 2¼". Roses for cylindrical and tubular locks and latches may be 2½" in diameter. Roses may be wrought or cast.

KEY PLATES

Shall be limited to one type similar to Federal Number E351. Key plates may be wrought or cast.

ESCUTCHEON PLATES

Each manufacturer limited to three designs of rectangular or pendant types, in sizes not to exceed that necessary for the spacing of the listed locks in this table. Metal escutcheons may be wrought or cast.

TURN KNOBS

Each manufacturer limited to one design similar to Federal Number E362. Turn knobs may be wrought or cast.

LOCKS AND LATCHES

Shall be limited to the following type numbers.

Mortise Latches and Bit Key Locks

Type E4 Mortise bit key knob lock (light).
Type E4A Mortise bit key knob lock.
Type E7 Mortise bit key knob lock (heavy).
Type E10 Mortise bit key school room lock.
Type E17A Mortise bathroom lock.
Type E17C Communicating door lock (same as E17A except split bolt operated by turn knob each side).
Type E22A Mortise bit key front door lock.
Type E25 Mortise knob latch (light).
Type E26 Mortise knob latch.
Type E38 Mortise bit key dead lock.
Type EA40 Mortise bit key asylum dead lock.

Rim Locks and Latches

Commercial jobbing types. Each manufacturer shall be limited to three types. Each type may be made in three sizes. In all cases, the only permissible finish shall be japanned.

MORTISE CYLINDER LOCKS

Type E88 Mortise cylinder front door lock.
Type E91 Mortise cylinder vestibule or office lock.
Type E91B Special purpose lock.
Type E91C Special purpose lock.
Type E93 Mortise cylinder office lock.
(May also be supplied with two cylinder operation.)
Type E97 Mortise cylinder office lock or front door lock.
(May also be supplied without auxiliary latch function.)
Type E102 Mortise cylinder fire door lock.
Type E105 Mortise cylinder class room lock.
Type E114 Mortise cylinder dead lock.
Type E114A Mortise cylinder dead lock—no thumb turn.
Type E115 Mortise cylinder dead lock—two cylinder.

MORTISE ASYLUM LOCKS

The limited number of asylum locks and trim catalogued by manufacturers may be produced with only those restrictions or limitations imposed by other orders.

TUBULAR LOCKS AND LATCHES

Type E150 Knob latch.
Type E150A Closet knob latch.
Type E151 Knob latch with stop on one side.
Type E153 Cylinder dead bolt lock—Pin or disc tumbler cylinder.
Type E153B Cylinder dead bolt lock—Pin or disc tumbler cylinders (2).
Type E153C Cylinder dead bolt lock—No turn knob.
Type E154 Cylinder night latch—Pin or disc tumbler.

CYLINDRICAL CASE LOCKS AND LATCHES

Type E161 Knob latch.
Type E161A Closet knob latch.
Type E162 Knob latch (stop one side).
Type E164 Cylinder vestibule or office lock.
Type E164W Wafer tumbler vestibule or office lock.
Type E165 Cylinder office or class room lock.

HEAVY DUTY CYLINDRICAL LOCKS AND LATCHES

Heavy duty cylindrical locks and latches may be manufactured provided they are limited to the same performance in operation and control as that required in the comparable mortise locks permitted. Trim shall compare as nearly as possible with that permitted for mortise locks.

TABLE VII—MISCELLANEOUS SASH, SCREEN AND SHELF HARDWARE

Materials permitted are ferrous metals, zinc and aluminum, except where otherwise noted.

Finishes permitted are US1B, US18A unsanded, US2G, and lead, except as otherwise noted. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Numbers are taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E–FF–H–111.

Stanley numbers are taken from Stanley Works Catalog #61, for use as a guide. Similar products of other manufacturers will be permitted.

SHELF ITEMS

Corner braces (unfinished only) Stanley Type No. 998:
½" x ¾".
½" x 1".
½" x 1½".
½" x 2".
½" x 2½".
¾" x 1".
¾" x 1½".
¾" x 2".
¾" x 2½".
¾" x 3".

Flat corner irons (unfinished only) Stanley No. 999:
⅜" x 1½".
⅜" x 2".
⅜" x 2½".
¾" x 3½".
¾" x 4".
⅝" x 3".
⅝" x 3½".
1" x 5".
½" x 2½".
½" x 3".
½" x 3½".
⅞" x 4".
⅞" x 5".
⅞" x 6".
1" x 6".
1½" x 8".

Corner braces (unfinished only) Stanley Type No. 997:
½" x 1".
½" x 1½".
⅝" x 2".
⅝" x 2½".
¾" x 3".
¾" x 3½".
⅞" x 4".
1" x 5".
1⅛" x 6".
1⅛" x 8".

Outside corner irons (unfinished only) Stanley Type No. 996:
¾" x 4½".
⅞" x 4½".
1" x 4½".
1¼" x 4½".
1½" x 4½".

T plates (unfinished only) Stanley Type No. 995½:
2½" x 2½".
3" x 3".
4" x 4".
5" x 5".
6" x 6".

Mending plates (unfinished only) Stanley Type No. 995:
⅝" x 2".
⅝" x 2½".
¾" x 3".
¾" x 3½".
⅞" x 4".
1" x 5".
1⅛" x 6".
1¼" x 8".
1¼" x 10".
1¼" x 12".

Hook on plate staples (unfinished only) Stanley Type No. 975: 4", 5", 6".

Twisted hook and staple (unfinished only) Stanley Type No. 972: 4", 5", 6".

Diamond point staples (unfinished only) Stanley Type No. 976: 1", 1¼", 1½", 2", 2½".

Heavy hinge hasp Stanley No. 941: 7½" (one size only).

Safety hinge hasp Stanley No. 925: 3", 4".

Hinge hasp Federal No. E1401: 3", 4½", 6", 8".

Safety hinge hasp Federal No. E1420: 2½", 3½", 4½", 6".

Staples on plates Stanley No. 913: 1½" x 1⅛", 2" x 1¼", 2 1/16" x 1½".

Hooks and eyes Federal No. E1601: 1½", 2", 2½", 3", 4".

Door buttons Federal No. E1069: (Cast or wrought) 1¾".

Door fasteners with chain (cast or wrought) Federal No. E1116: 4".

Thumb latches, Federal No. E1188, Federal No. E1189.

House numbers (non-metallic only).

Shutter fasteners, Federal No. E1815—5".

Padlock eyes, Federal No. E1430.

Cellar window catch, Federal No. E1137.

Hand rail bracket, Federal No. 1064A.

Door stops (non-metallic only).

Hat and coat hooks: Federal No. A1162 (FF–H–111)—Steel wire.

Federal No. 1162B (FF–H–111)—Cast or malleable iron, for shipboard use only.

Letter boxes (may be manufactured of aluminum or cast iron).

BOLTS

Fed. No.		
E1019	Wrought steel barrel bolt	2", 2½", 3", 4" and 5".
E1020	Cast iron barrel bolt	2", 2½", 3", 4" and 5".
E1022	Chain bolt	3", 6", 8" and 10".
E1049	Wrought steel foot bolt	3", 6", 8" and 10".
E1049C	Cast iron foot bolt	3", 6", 8" and 10".
E1044B	Extension lever flush bolts	9", 12", 18" and 24" rods.
E1051	Cane bolt	¾" x 20".
E1051A	Cane bolt	½" x 12", ⅝" x 18", ⅝" x 24".
E1053A	Mortise bolt	1⅝" and 1¾" backsets.
E1059	Wrought steel square bolt	6", 8".
E1059C	Cast iron square bolt	6", 8".
E1060	Surface bolt	3", 4", 6".
EA1028	Cremone bolts	(Not permitted for residential or private garage use).

DOUBLE HUNG WINDOW HARDWARE

Federal No.:
EA1060—3¼"—Window spring bolt.
Friction sliding springs similar in operation to Jiffy, Noiseless, etc.
E1139 Sash fasteners—2½" and 2¾".
E1142 Sash fasteners—2½".
E1201 Hook sash lift (cast or wrought).
E1343 Stop bead screw and washer.
E1264 Sash pole hook—3".
Sash socket as H. B. Ives 1800S, Catalog #17.
Sashcord saddle—non-metallic.
E1264 Sash weights (only from burnt cast iron, stove plate, grate bars; annealing pots, terneplate, slag iron, city dump scrap except tin can scrap; tin can scrap if permission is granted by Administrator of M–72A).
Sash balances permitted—see Table XII.

TRANSOM HARDWARE

Federal No.:
E1097 Transom catch.
E1100 Transom catch.
E1120A Transom chains—12", 15".
Rabbeted transom sash centers, similar to Sargent Co. J71–1⅜", 1¾", 2¼".
Sash centers, cast, similar to Corbin 1303, 1304.

DOOR PULLS

Federal No.:
E1274 Door pull.
E1274D Door pull.
E1276 Door pull.
Hospital arm pull, similar to Sargent 1526.
Push plates—non-metallic.
Kick plates—non-metallic.

SCREEN DOOR HARDWARE

Screen door latch—Limited to one type in one size for each manufacturer. Trim may be ferrous metals, glass or plastic.

Federal No.:
E1845 Perfection springs—#2 to #6 inclusive.
E1840 Coil spring.
E2300 Screen door hinge (full surface) one size only.
E2301 Spring hinge (full surface) one size only.
E2302 Spring hinge (half surface) one size only.
E2305 Spring hinge (full surface) one size only.
E2306 Spring hinge (half surface) one size only.
E3015 Pneumatic door closer.

SCREEN WINDOW AND STORM SASH HARDWARE

Federal No.:
E1825 Hangers.
E1825B Hangers.
E1830 Hangers.
Hanger sets, similar to Stanley #1732.
EA1223 Screen lift.
E1650 Storm sash fasteners.
E1653 Storm sash fasteners.

CASEMENT WINDOW HARDWARE

Federal No.:
E1002 Casement adjuster—10" and 12".
E1002D Casement adjuster—12".
Friction stay, similar to Payson #39.
E1128 Casement pivot.
E1132 Casement fastener.
E1132A Casement fastener.
Hardware for industrial type sash (not to exceed 2½ lbs. per unit).

TABLE VIII—RIM NIGHT LATCHES AND DEADLOCKS

Materials permitted are ferrous metals, zinc and aluminum. Brass may be used for cylinder assemblies and keys, and essential working parts.

Finishes permitted are US1B and US18A unsanded. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

All flat strikes shall be eliminated except when ordered separately. Numbers are taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from emergency alternate specification E–FF–H–106.

Federal No.:
E134 Cylinder rim night latch.
E134D Cylinder rim night latch (disc tumbler).
E136 Cylinder rim night latch.
E143 Cylinder rim dead lock.
One catalog number jimmy-resisting deadlocks without chain attachment, with rim strike only.
One catalog number jimmy-resisting deadlocks with double cylinders, with rim strike only.

TABLE IX—SPRING HINGES

Materials permitted are ferrous metals, zinc and aluminum.

Finishes permitted are US1B, US18A unsanded, USP and US2G. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper

U. S. 9—Polished bronze
U. S. 10—Dull bronze

Numbers are taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specifications E-FF-H-116B.

Federal No.:
E2330 Double acting, hanging strip or flush jamb type.
Sizes 3", 4", 6", 7", 8", 10".
Type with one clamp flange in sizes 8", 10", and 12".
E2331 Single acting, hanging strip or flush jamb type.
Sizes 4", 6", 7", 8", 10".
E2334 Double acting floor hinge, horizontal or vertical type.

TABLE X—LAVATORY DOOR HARDWARE AND LAVATORY STALL FITTINGS

Materials permitted are ferrous metals, zinc and aluminum.

Finishes permitted are US1B, US18A unsanded, USP and US2G. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Federal numbers are taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E-FF-H-136.

Federal No.:
E4200 Gravity pivot hinge.
E4301 Swing latch (bar not more than 4" long).
E4309 Rim turn bolt.
Strikes and keepers similar to Bommer O-1053-1055-1056-1057 and 1073.

LAVATORY STALL FITTINGS

Numbers listed are taken from Catalog #63 of Bommer Spring Hinge Company for use as a guide for comparable items of all manufacturers.

1116	1153
1130	1155
1131	1156
1132	1158
1137	1159
1138	1160
1139	1161
1142	1162
1143	1163
1147—1¼" only	1170
1150	1171
1151	1172
1152	1173

TABLE XI—PANIC BOLTS

Materials permitted are ferrous metals, zinc and aluminum.

Finishes permitted are US1B, US18A unsanded and US18A sanded. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Brass may be used for cylinder assemblies and keys and for essential working parts, not including cross bars, vertical rods, guides, and top and bottom latches.

Each manufacturer shall be limited to three designs in trim.

Numbers are taken from U. S. Federal Hardware Specifications issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E-FF-H-106.

Federal No.:
E800
E801
E830
E830C
E831
E831C

Lock may be either rim or mortise type.

TABLE XII—SASH BALANCES

Materials permitted are ferrous metals, zinc and aluminum.

Zinc may be used where permitted by Conservation Order M-11-b.

Finishes permitted are US2G, US2H, USP, lead and lacquer. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

Numbers are taken from U. S. Federal Hardware Specifications, issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specification E-FF-H-111.

Federal No.:
E1250
E1250A
EB1250

TABLE XIII—CABINET LOCKS

Materials permitted are ferrous metals, zinc and aluminum.

Brass may be used for cylinder assemblies and keys, and for essential working parts.

Finishes permitted are US1B, US18, US18A unsanded, US18A sanded, US2G and lead. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

The U. S. Numbers are taken from the U. S. Federal Hardware Specifications, issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specifications.

Chest locks, flat key, secure lever. Each manufacturer limited to two designs, approximately 1½" x 2" for ¾" wood, 1¾" x 2½" for ⅞" wood.

Chest locks, double link, warded, barrel key. Each manufacturer limited to one design, approximately 2½" x 1$^{9}/_{16}$".

Chest locks, double link, pin or disc tumbler. Each manufacturer limited to one design.

Drawer locks, flat key, half mortise, secure lever, dead bolt. Each manufacturer limited to one design, approximately 1¾" x 1⅞".

Drawer locks, barrel key, half mortise, warded. Each manufacturer limited to one design, approximately 2½" x 1¾".

Drawer or cupboard locks, half mortise type, pin and disc tumbler. Each manufacturer limited to one design of each.

Drawer locks, surface type, flat key secure lever. Each manufacturer limited to two designs, approximate sizes 1¾" x 1¼", 1¾" x 1⅞".

Drawer or cupboard locks, half mortise, pin or disc tumbler. Each manufacturer limited to one design.

Locker and wardrobe locks, surface type, flat key, secure lever. Each manufacturer limited to four designs, approximately 1⅞" x ⅞", 2" x 1¾", 2¾" x 1¼", 2⅝ x 1¾".

Locker and wardrobe locks, surface type, barrel key. Each manufacturer limited to two designs, approximately 2½" x 1¼", 3" x 1¾".

Locker and wardrobe locks, surface type, pin or disc tumbler. Each manufacturer limited to one design, approximately 1⅝" x 1¼" with ⅞" or 1⅛" cylinder.

Cam type locks, pin, disc or blade tumbler. (Complete unit consisting of cylinder, lock nut, lock nut washer and cam.) Each manufacturer limited to not more than two tumbler types.

TABLE XIV—PADLOCKS

Materials permitted are ferrous metals, zinc and brass.

Brass may only be used for cylinders and keys, and locking bolts.

Finishes permitted are US18, US18A unsanded, US18A sanded, US2G and painted. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

The U. S. Numbers are taken from the U. S. Federal Hardware Specifications, issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specifications.

Each manufacturer shall be limited to the types and number of each type specified below, and they must come within the size range specified:

Pin tumbler padlocks—six only. Size range, 1⅛" to 2".

Warded or lever padlocks—five only. Size range, 1" to 1¾".

Spring bolt padlocks—five only. Size range, ⅝" to 2".

Disc tumbler padlocks—five only. Size range, 1" to 2".

Secure lever padlocks—two styles in two sizes of each style.

Hose house padlocks—one style in one size.

Combination padlocks—two styles in one size of each style.

Ratchet shackle padlocks—one style in one size.

Special shackle padlocks may be furnished on order.

Chains may be furnished on order.

TABLE XV—DOOR HOLDING DEVICES

Materials permitted are ferrous metals, zinc and aluminum.

Finishes permitted are USP, US18A unsanded, US1B and lead. In addition, a protective plating is permitted as follows:

U. S. 3—Polished brass
U. S. 4—Dull brass
U. S. 8—Antique copper
U. S. 9—Polished bronze
U. S. 10—Dull bronze

The U. S. Numbers are taken from Federal Hardware Specifications, issued by the U. S. Bureau of Standards and/or from Emergency Alternate Federal Specifications.

Numbers prefixed by G-J are taken from the catalog of Glynn-Johnson Co. (issued January 1941). Similar products of any other manufacturer will be permitted.

G-J 320 Friction door holder—not exceeding 1¾ lbs. average weight (in sizes required for various size doors in hospitals only).

G-J 70 Door holder—not exceeding 2¼ lbs. average weight.

G-J 40 Door holder—not exceeding 22 oz. in weight (with strikes suitable for floor or head installation).

Roller holder—Stanley No. 454 [ferrous metal only] Stanley Works catalogue No. 61. Similar item of other manufacturers will be permitted.

[F. R. Doc. 44-16126; Filed, Oct. 19, 1944; 11:26 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[General Preference Order M-109, Supp. 1]

GENERAL PURPOSE AND ADMINISTRATIVE POLICY

§ 3286.26a *Supplement 1 to General Preference Order M-109*—(a) *General purpose of the order.* The purpose of M-109 is to assure an adequate supply of rough diamonds in the hands of diamond tool manufacturers and industrial consumers to fulfill the war requirements of the United States. Rough diamonds are imported into the United States in assortments of various sizes, shapes and qualities, all of which are not required or utilized by industry to the same degree. The Order is designed to assure that the various sizes, shapes, and qualities required by tool manufacturers and industrial consumers are received by them and that they obtain the rough diamonds as directly as possible from importers.

(b) *Policy of administration.* In general, it is the policy of the War Production Board to authorize sales or transfers of rough diamonds under subparagraph (f) (3) of Order M-109 only to industrial consumers, tool manufacturers and persons or organizations who perform a useful function in facilitating direct distribution of rough diamonds by utility categories to consumers thereof. Similarly, it is the policy of the Board not to authorize trading which merely moves rough diamonds between merchants for trading purposes (commonly referred to as "horizontal trading"). In addition, in considering applications under paragraph (g) of the order, the War Production Board will carefully check any proposed use of a rough diamond as a cuttable diamond or for the purpose of making a gem therefrom, so as not to interfere with industrial uses which further the prosecution of the war.

In order to carry out the purposes of M-109 and the general policy of administration as above set forth, the War Production Board will take into consideration the following factors in determining whether to grant or deny authorizations required by the order:

(1) *Trading.* If the authorization is to be granted, an importer's proposed sale or transfer should be one made directly to an industrial consumer, a diamond tool manufacturer or a dealer; if it is to be made to a dealer, the dealer must be one who will distribute directly to a diamond tool manufacturer, an industrial consumer, or to another dealer. Sales from one dealer to another will not be authorized as a rule except where the purchasing dealer can show he needs the specific types, sizes, qualities, and quantities of rough diamonds involved in the proposed transaction for direct sale to an industrial consumer or diamond tool manufacturer. While sales from importers to dealers need not be by utility categories, authorization will be denied in the case of substantially all dealers' sales and transfers unless they are by utility categories. Where brokers are employed to facilitate sales and transfers of rough diamonds, such sales and transfers must be in the name of the principals involved.

(2) *Diamond tool manufacturers and industrial consumers.* Parcels of rough diamonds in assortments of types, sizes and qualities may be bought by diamond tool manufacturers and industrial consumers only in amounts which, when added to any inventory on hand, are required for current use or to maintain a normal stock as dictated by sound business judgment based on immediate past consumption and anticipated immediate future tool demands.

(c) *Diversion of cuttables.* Under paragraph (g) of Order M-109, all rough diamonds purchased or imported as industrial stones are conclusively presumed to be industrial stones and may not be sold, transferred or used as cuttable stones, except as authorized by the War Production Board. Such authorizations will be granted only when it is determined by actual inspection of the particular stones that they are not required for an industrial use in the war program. Whenever the need exists and following actual inspection, the War Production Board may determine that particular stones imported or purchased as cuttables are, in fact, industrial stones.

(d) *Imports.* Importations of rough diamonds are controlled by the War Production Board's General Imports Order M-63 as amended September 14, 1944. Under that order any person desiring to purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, rough diamonds into the United States must apply to the War Production Board for authority to do so. Approval of such applications to import will be based upon a formula which takes into consideration the percentage of each merchant's sales to industry of the categories under consideration as against the total of all merchants' sales to industry in those categories, plus the merchant's relative stock position in each category, i.e., the relation of the merchant's stock to the over-all stocks of those categories held by all the merchants, as shown by the trading records of the merchants involved. An importer must demonstrate that he can effectively merchandise in direct channels the broad range of currently utilized types, sizes and qualities of rough diamonds, and that his financial structure is strong enough to enable him to keep in stock such rough diamonds as come into his possession which may not be currently useful industrially.

(e) *Inspection.* The War Production Board may inspect any shipment of rough diamonds imported into the United States whenever it considers such inspection desirable to carry out the purposes of the order.

(f) *Appeals procedures.* Appeals from the provisions of Order M-109 shall be filed by addressing a letter in triplicate to the War Production Board, Empire State Building, New York, New York, Reference: M-109. The letter of appeal need not follow any particular form. It should state informally but completely the particular provision or provisions appealed from, the precise relief desired and the reasons why denial of the appeal would result in undue and excessive hardship.

Issued this 19th day of October 1944.

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

[F. R. Doc. 44-16129; Filed, Oct. 19, 1944; 11:26 a. m.]

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

[RPS 68,[1] Amdt. 8]

HIDE GLUE 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.*

Revised Price Schedule No. 68 is amended by deleting the following from § 1335.610 Appendix A (a):

4. Limed calf trimmings, including calf trimmings, green limed calf, but excluding limed calf cheekings	1.00
4a. Limed calf cheekings	2.25

and by inserting in lieu thereof the following:

4. Limed calf trimmings, including cheekings, arsenic treated	1.00

This amendment shall become effective October 24, 1944.

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16132; Filed, Oct. 19, 1944; 11:45 a. m.]

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

[MPR 349,[2] Amdt. 5]

DISTRIBUTORS' MAXIMUM PRICES FOR CERTAIN COARSE PAPER PRODUCTS

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

Maximum Price Regulation 349 is amended in the following respect:

---

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

[1] 7 F.R. 1338, 1836, 2000, 2132, 2241, 2948, 3125, 5362, 6474, 8948; 8 F.R. 1681; 9 F.R. 7519.

[2] 8 F.R. 3617, 6110, 7266, 11484.

In section 1 (c), subparagraph (27) is amended to read as follows:

(27) Napkins..... M

This amendment shall become effective October 24, 1944.

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16136; Filed, Oct. 19, 1944; 11:45 a. m.]

PART 1399—CONSTRUCTION, OIL FIELD, MINING AND RELATED MACHINERY

[MPR 134,[1] Amdt. 16]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND OPERATING OR MAINTENANCE SERVICE CHARGES

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

Section 1399.15, Appendix A, of Maximum Price Regulation 134 is amended in the following respects:

1. Under the heading "Air Compressors, Portable" the descriptive text "Two-stage and new design single-stage, water-cooled or air-cooled" is amended by deleting the following words: "and new design"

2. Under the heading "Air Compressors, Portable" the text following the table is revoked.

3. In the table under "Angledozers" the column-heading which reads "For tractor of ------" is amended to read as follows: "For crawler tractor of ------"

4. Under the heading "Buckets" the text following the classification "Tower", and preceding the table, is amended to read as follows:

Maximum rental prices calculated upon the basis of the following rates shall apply to this equipment with or without top and bottom switches.

5. In the table under the heading "Bulldozers" the column-heading which reads "For tractor of ------" is amended to read as follows: "For crawler tractor of ------"

6. In the table under the heading "Hoists" and the classification "Chain", the last item under the column-heading "Per month" is amended to read as follows: "60.00"

7. In the table under the heading "Pipelayer attachments" the column-heading which reads "For tractor of ------" is amended to read as follows: "For crawler tractor of ------"

8. The heading which reads "Pump for Tractor Accessories" is amended to read as follows: "Pump for Crawler Tractor Accessories"

9. In the tables under the heading "Pushdozers" and the classifications "Movable, Cable" and "Movable Hydraulic", respectively, the column-headings which read "For tractor of ------" are amended to read as follows: "For crawler tractor of ------"

10. In the table under the heading "Scrapers" the first item under the column-heading "Struck", sub-heading "From and not including (cubic yards)", which is presently blank, is amended by inserting the figure: 2; the first item under the column-heading "Heaped", sub-heading "To and including (cubic yards)", which is presently blank, is amended by inserting the figure: 2½.

11. The heading "Tractor Accessory Winch" is amended to read as follows: "Crawler Tractor Accessory Winch"

12. In the table under the heading "Winches, Towing" the column-heading which reads "For tractor of ------" is amended to read as follows: "For crawler tractor of ------"

This amendment shall become effective October 24, 1944.

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16135; Filed, Oct. 19, 1944; 11:45 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127, Amdt. 24]

FINISHED PIECE GOODS

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

Maximum Price Regulation No. 127 (Finished Piece Goods) is amended in the following respects:

1. In § 1400.78a (a) Item 1 is revoked.

2. In § 1400.82 a new paragraph (x) is added as follows:

(x) *Specific prices for sales to a war procurement agency.* Maximum prices for sales and deliveries to a war procurement agency of finished piece goods of the types and made to the specifications (in their present form or as hereafter amended) listed below shall be as set forth in Table XIV hereof. The maximum prices so set forth are based on the widths therein indicated, and shall be reduced or increased in proportion to any reduction or increase in such widths which may be authorized or required by such specifications.

TABLE XIV

Line No.	Description	Specification	Width (inch basis)	Maximum price (cents per yard)
1.00	8.2 oz. combed uniform twill	(a) 6-201 as amended.		
1.01	Type I—Khaki		36	(1)
1.02	Type I—Slate grey		36	(1)
1.03	Type II—Khaki		36	(1)
1.04	Type II—Slate grey		36	(1)
1.05	Type III—Khaki		36	(1)
1.06	Type III—Slate grey		36	(1)
1.07	Type IV—Khaki		36	(1)
1.08	Type IV—Slate grey		36	(1)
1.09	Type V—Khaki		36	(1)
1.10	Type V—Slate grey		36	(1)

[1] The maximum price for goods so marked shall be determined in accordance with the provisions of MPR 157 until a specific price is provided in Table XIV. In connection with contracts for the sale and delivery of these goods to war procurement agencies, sellers are authorized to reserve the right to charge the difference, if any, between the maximum price so determined and the specific maximum price which may hereafter be provided in Table XIV.

This amendment shall become effective October 18, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16098; Filed, Oct. 18, 1944; 4:27 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[1] Amdt. 48]

SUGAR

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

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.21 (c) (9) is amended by adding the following at the end: "An industrial user who ceases (other than temporarily) to make an industrial use of sugar is not regarded as an industrial user after he ceases."

2. Section 1407.144 (b) and (c) are amended to read as follows:

(b) (1) If an industrial user has several establishments which are registered separately, and he wishes to move all or part of the business of one or more of them to another place, the moving is to be treated as a transfer to a different person under § 1407.144b of this order. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee. The same rule applies if he has one establishment and wishes to move all or part of its business to another place which is to be registered separately.

(2) If an industrial user has several establishments which are registered together, and he wishes to move all or part of the business of one or more of them to a new place, he must apply for permission to do so. The application must be made on OPA Form R-315, to the

---

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

[1] 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948, 9785; 8 F.R. 1975, 3789, 5931, 9140, 10759, 12544, 13127, 16033; 9 F.R. 1321, 4396, 17285.

[1] 9 F.R. 1433, 1534, 2233, 2826, 2828, 3031, 3513, 3579, 3847, 3944, 4099, 4350, 4474, 4880, 5220, 5254, 5220, 5166, 5426, 5346.

Board (or District Office) with which he is registered and must show:

(i) The new address at which the applicant wishes to operate;

(ii) Whether all or part of the business will be moved, and, if only part is to be moved, he must describe the part which will be moved;

(iii) The amount of the sugar inventory, if any, which will be moved to the new place;

(iv) The class of products made by, and the class of customers and area served by the business (or part of the business) which will be moved; and

(v) Whether he will continue to serve, from the new place, the same general class of customers and the same area served by him from his old place.

The Board shall send the application, with its recommendation if any, to the District Office. If the District Office finds that the establishment will continue to be operated at the new place in substantially the same manner as at the old place, and that the applicant will continue to serve from the new place the same general class of customers in the same area as he served from the old place, it shall grant the application. (If the District Office finds that the new establishment will not be operated in such manner as to satisfy the tests described in this subparagraph, it shall deny the application.)

(3) An industrial user who has several establishments which are registered together may use his allotments or inventory at any of them interchangeably and need not apply for permission to do so.

(c) An industrial user who moves all or part of the business of an establishment to a new place and is granted permission to continue his operations at that place, may not use his allotment there if his operation of the establishment ceases to meet the tests prescribed for moving that establishment. In that case, his establishment at the new place shall be considered closed and subject to the provisions of § 1407.144d.

3. Section 1407.144b is amended to read as follows:

§ 1407.144b *Sale or transfer of industrial user establishments*—(a) *General.* When an "industrial user" sells or transfers to any other person all or part of the business of his "industrial user establishment" for continued operation, both the transferor and the transferee must notify the Board (or District Office) at which the establishment is registered. The notice must be given in writing, before the sale or transfer, if possible, or, if not possible, within five days thereafter, and must show:

(1) The name and business address of the establishment and of the persons transferring and acquiring it;

(2) Whether all or part of the business is being transferred, and if the entire business is not being transferred, then the part of the business which is being transferred;

(3) The sugar inventory, if any, transferred; and

(4) The ration credit balance, if any, in the establishment's ration bank account and the amount of ration evidences on hand, including ration evidences sent to a supplier for sugar not yet shipped.

(b) *When the entire industrial user establishment is transferred.* (1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the Board (or District Office) all unused ration evidences he has for the establishment. If the establishment has a ration bank account, he must give up the credit in such account in the form of his ration check payable to the Office of Price Administration and he must notify the District Office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section, and the surrender of unused evidences will be treated as a cancellation of the transferor's registration and allotment.

(2) The transferee may not use any sugar transferred with the establishment unless he receives an allotment. The application for an allotment must be made on OPA Form R–315 to the Board (or District Office) for the place where the establishment is registered and must state whether:

(i) The entire establishment, as well as the sugar inventory, has been transferred;

(ii) The transferee will continue to serve, from that establishment, the same general class of customers in the same area served by it before the transfer; and

(iii) The transferee will continue to produce, at the establishment, the same class of products though not necessarily under the same trade name.

The Board shall send the application, the notices sent to it by both parties and the transferor's registration to the District Office.

(3) If the District Office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in subparagraph (2) are satisfied, it shall assign to the transferee the transferor's allotment and base-period use, for that establishment. It shall also give the transferee a certificate for the value of the evidences that the transferor surrendered to the Board (or District Office). However, if the amount of sugar transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as "excess inventory". The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(c) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(d) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (b) of this section must be followed separately as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the transferor must also apply to the Board (or District Office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender evidences except as provided in this subparagraph, and he is not required to close his ration bank account.) The Board shall send the applications, and notices of both parties, and the transferor's registration, to the District Office.

(i) If the District Office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The District Office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences that difference shall be treated as excess inventory.

(ii) If the District Office finds that the establishment will not be operated in substantially the same manner as before the transfer or that the tests described in paragraph (b) (2) are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the amount of sugar transferred with the establishment, the difference shall be treated as excess inventory.

(e) *Sale of part of the business of an establishment.* (1) When part, but not all, of the business of an industrial user establishment is transferred, the transferee must apply for an allotment and assignment of a base-period use. The application must be made, on OPA Form R–315, to the Board (or District Office) with which the transferee will register his establishment, and must state:

(i) What part of the business has been transferred;

(ii) The sugar inventory transferred;

(iii) Whether the transferee will continue to produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name);

(iv) The class of products made by, and the class of customers and area served by the part of the business transferred; and

(v) Whether the transferee will continue to serve the same general class of customers and the same area with the same class of products as were served by the part of the business transferred.

(2) The transferor must also apply to the Board (or District Office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender evidences except as provided in this paragraph, and he is not required to close his ration bank account.)

(3) The Board shall send the applications and notices of both parties and the transferor's registration to the District Office.

(4) If the District Office finds that there was a bona-fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers and the same area previously served by the part of the business transferred, the District Office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The District Office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of sugar which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up evidences to the Office of Price Administration for the difference. If he does not give up evidences, that difference shall be treated as excess inventory.

(5) If the District Office finds that there was not a bona fide sale or transfer of part of the business or that the tests described in subparagraph (4) of this paragraph are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the part of the business transferred and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the amount of sugar transferred with the establishment, the difference shall be treated as excess inventory.

(f) *Transferee's registration.* A transferee is regarded as registered as soon as the District Office assigns an allotment and base-period use to him and an OPA Form R–1200 is filed by him.

(g) *Use of allotment by transferee.* A transferee may not use any sugar obtained on a base assigned to him under this section if his operation for the transferred establishment ceases to meet the tests described in paragraph (b) or (e), as the case may be.

(h) *The District Office shall notify the transferor and transferee of the decision.* The District Office shall notify, in writing, both the transferor and transferee of its decision on any application made under this section.

(i) *If the transferee is not assigned a base, the transferor may apply for the reassignment of the base to him.* If, under this section, a District Office refuses to assign an allotment or base-period use to a transferee, the transferor may, within 30 days after the District Office notifies him of such refusal, notify the District Office, in writing, that he wishes to resume making the same class of products and serving them to the same general class of customers in the same area to substantially the same extent as before the transfer. In that event, if the District Office finds that the transferor intends to and will be able to do so promptly, it may reassign to him his base-period use and allotments just as though there had been no transfer.

4. Section 1407.144e is added to read as follows:

§ 1407.144e *Sugar may be delivered without getting evidences in connection with transfer of a business.* (a) No ration evidences need be given up for the delivery of sugar in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires sugar may not use it, but must hold it only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in §§ 1407.144a, 1407.144b and 1407.144c);

5. Section 1407.166 is amended to read as follows:

§ 1407.166 *Exchange and loans of sugar.* (a) Any person may exchange sugar of different types with any other person if the amounts exchanged are equal. No ration evidences are needed to authorize deliveries of the sugars involved in such exchange.

(b) Upon authorization by the "Washington Office" of the Office of Price Administration, a primary distributor may get sugar from any person as a loan, and thereafter deliver to such person an amount of sugar not exceeding the amount thus received. Such deliveries may be made without getting evidences.

6. Section 1407.166a is added to read as follows:

§ 1407.166a *An industrial user may deliver sugar or ration evidences for industrial use*—(a) *General.* A registered industrial user may deliver sugar without getting ration evidences (subject to the provisions of § 1407.168), or he may transfer ration evidences without getting sugar, to any person for making an industrial use of that sugar (or ration evidences) which the transferor is entitled to make under § 1407.92, and unless otherwise authorized by the Office of Price Administration, only if

(1) Prior to the delivery the transferor and transferee gives the notice required under (b) of this section; and

(2) The product will be distributed in the same area and to the same general class of customers served by the transferor before the delivery.

NOTE: Sugar or evidences may not be given up under this section to make a product for which a provisional allowance may be obtained.

(b) *Notice.* Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the Board (or District Office) with which the transferor is registered. The notice must state:

(1) The amount of sugar or ration evidences involved;

(2) The names and addresses of both parties;

(3) The use to be made of the sugar delivered (or of the sugar acquired with the ration evidences transferred);

(4) The class of customers and the area served by the transferor; and

(5) That the product made will be distributed to that class of customers in that area.

(c) *The transferee may use any sugar or ration evidences obtained under this section whether or not he is registered.* The transferee may use sugar delivered or ration evidences obtained in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the sugar or ration evidences in addition to any use permitted him under § 1407.92 of this order.

(d) *Use of sugar or ration evidences and distribution of products.* The transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section only to make the products stated in the

notice (or for other uses or products in the same class) and only to the extent that the transferor might use the sugar or ration evidences for that purpose. Furthermore, whichever of them distributes products which the transferee makes with such sugar to anyone else must distribute those products in the same area and to the same general class of customers as the transferor served prior to the delivery. If the transferee distributed products of the same class to the same area and general class of customers before receiving the sugar or ration evidences under this section, he must continue to distribute to that area and class of customers at least the same proportion of the products made with the sugar allotted to him for that class of products as he distributed before he obtained sugar or ration evidences under this section. Any sugar used by the transferee under this section is considered to have been used by the transferor as well as the transferee.

(e) *Records.* The transferee must make and keep for two years at his principal business office, records showing by months the amounts of sugar received by him under this section and the amount used for each product processed or produced with the sugar.

(f) *Ration banking by transferee.* The transferee may open a ration bank account in the same way as a registered industrial user may open an account.

This amendment shall become effective October 23, 1944.

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

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 562, 2965; WPB Dir. No. 1 and Supp. Dir. No. 1–E, 7 F.R. 562, 2965; War Food Order No. 56, 7 F.R. 2005, 8 F.R. 4319; War Food Order No. 64, 8 F.R. 7093, 9 F.R. 4319)

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–16131; Filed, Oct. 19, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 58]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 13 is amended in the following respects:

1. Section 6.12 is added to read as follows:

SEC. 6.12 *An industrial user may transfer foods or points for industrial use*—(a) *General.* A registered industrial user may transfer processed foods without getting points (or he may transfer points without getting processed foods) to any person for making an industrial use of those foods (or points) which the transferor is entitled to make under section 6.8 (c), and, unless otherwise authorized by the Office of Price Administration, only if:

(1) Prior to the transfer, the transferor and transferee give the notice required under paragraph (b) of this section; and

(2) The product made will be distributed in the same area and to the same general class of customers served by the transferor before the transfer.

(b) *Notice.* Before any transfer may be made under this section, both the transferor and transferee must notify, in writing, the board (or district office) with which the transferor is registered. The notice must state:

(1) The amount and point value of the processed foods or the number of points involved;

(2) The names and addresses of both parties;

(3) The use to be made of the processed foods transferred (or of the processed foods acquired with the points transferred);

(4) The class of customers and the area served by the transferor; and

(5) That the product made will be distributed to that class of customers in that area.

(c) *The transferee may use foods or points acquired under this section whether or not he is registered.* The transferee may use processed foods or points transferred in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the processed foods or points in addition to any use permitted him under section 6.8 of this order.

(d) *Use of foods or points and distribution of products.* The transferee may use processed foods transferred (or processed foods obtained with points transferred) to him under this section only for the purpose stated in the notice (or for other uses or products in the same class) and only to the extent that the transferor might use the processed foods or points for that purpose. Furthermore, whichever of them distributes products which the transferee makes with such processed foods to anyone else, must distribute those products in the same area and to the same general class of customers as the transferor served prior to the transfer. If the transferee distributed products of the same class to the same area and general class of customers before receiving the processed foods or points under this section, he must continue to distribute to that area and class of customers at least the same proportion of the product made with the points allotted to him for that class of products as he distributed before he acquired the processed foods or points under this section. Any processed foods used by the transferee under this section are considered to have been used by the transferor as well as the transferee.

(e) *Records.* The transferee must make and keep for two years at his principal business office, records showing by months the amounts and point value of any processed foods acquired by him under this section and the amount of such processed foods used for each product or use made with such processed foods.

(f) *Transferee may open a ration bank account.* The transferee may open a ration bank account in the same way as a registered industrial user may open an account.

2. Section 11.2 is amended to read as follows:

SEC. 11.2 *Sale or transfer of industrial user establishments*—(a) *General.* When an "industrial user" sells or transfers to any other person all or part of the business of his "industrial user establishment", for continued operation, both the transferor and transferee must notify the board (or district office) at which the establishment is registered. The notice must be given, in writing, before the sale or transfer if possible or, if not possible, within five days thereafter, and must show:

(1) The name and business address of the establishment and of the persons transferring and acquiring it;

(2) Whether all or part of the business is being transferred, and if the entire business is not being transferred, then the part of the business which is being transferred;

(3) The point value of the inventory, if any, transferred; and

(4) The point balance, if any, in the establishment's ration bank account and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(b) *When the entire industrial user establishment is transferred.* (1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the board (or district office) all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his ration check payable to the Office of Price Administration and he must notify the district office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(2) The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R–315, to the board (or district office) for the place where the establishment is registered and must state whether:

(i) The entire establishment, as well as the processed foods inventory, has been transferred;

(ii) The transferee will continue to serve, from that establishment, the same general class of customers in the same

---

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

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4026, 4351, 4475, 4604, 4818, 4876, 5074, 5436, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345.

area served by it before the transfer; and

(iii) The transferee will continue to produce, at the establishment, the same classes of products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(3) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in subparagraph (2) are satisfied, it shall assign to the transferee the transferor's allotment and base-period use, for that establishment. It shall also give the transferee a certificate for the number of points that the transferor surrendered to the board (or district office). However, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(c) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(d) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (b) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this subparagraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 8.2 (d) of this order.) The board shall send the applications and notices of both parties, and the transferor's registration, to the district office.

(i) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(ii) If the district office finds that the establishment will not be operated in substantially the same manner as before the transfer or that the tests described in paragraph (b) (2) are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(e) *Sale of part of the business of an establishment.* (1) When part, but not all, of the business of an industrial user establishment is transferred, the transferee must apply for an allotment and assignment of a base-period use. The application must be made, on OPA Form R–315, to the board (or district office) with which the transferee will register his establishment, and must state:

(i) What part of the business has been transferred;

(ii) The point value of the inventory transferred;

(iii) Whether the transferee will continue to produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name);

(iv) The class of products made by, and the class of customers and area served by the part of the business transferred; and

(v) Whether the transferee will continue to serve the same general class of customers and the same area with the same class of products as were served by the part of the business transferred.

(2) The transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this paragraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 8.2 (d) of this order.)

(3) The board shall send the applications and notices of both parties, and the transferor's registration to the district office.

(4) If the district office finds that there was a bona fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers and the same area previously served by the part of the business transferred, the district office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(5) If the district office finds that there was not a bona fide sale or transfer of part of the business or that the tests described in subparagraph (4) of this paragraph are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the part of the business transferred and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(f) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base-period use to him and an OPA Form R–1200 is filed by him.

(g) *Use of allotment by transferee.* A transferee may not use any allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (b) or (e), as the case may be.

(h) *The district office shall notify the transferor and transferee of the decision.* The district office shall notify, in writing, both the transferor and transferee of its decision on any application made under this section.

(i) *If the transferee is not assigned a base, the transferor may apply for the reassignment of the base to him.* If, under this section, a district office refuses to assign an allotment or base-period use to a transferee, the transferor may, within 30 days after the district office notifies him of such refusal, notify the district office, in writing, that he wishes to resume making the same class of products and serving them to the same general class of customers in the same area to substantially the same extent as before the transfer. In that event, if the district office finds that the transferor intends to and will be able to do so promptly, it may reassign to him his base-period use and allotments just as though there had been no transfer.

3. Section 11.3 (b) is amended to read as follows:

(b) (1) If an industrial user has several establishments which are registered separately, and he wishes to move all or part of the business of one or more of them to another place, the moving is to be treated as a transfer to a different person under section 11.2 of this order. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee. The same rule applies if he has one establishment and wishes to move all or part of its business to another place which is to be registered separately.

(2) If an industrial user has several establishments which are registered together, and he wishes to move all or part of the business of one or more of them to a new place, he must apply for permission to do so. The application must be made on OPA Form R-315, to the board (or district office) with which he is registered and must show:

(i) The new address at which the applicant wishes to operate;

(ii) Whether all or part of the business will be moved, and, if only part is to be moved, he must describe the part which will be moved;

(iii) The point value of the inventory, if any, which will be moved to the new place;

(iv) The class of products made by, and the class of customers and area served by the business (or part of the business) which will be moved; and

(v) Whether he will continue to serve, from the new place, the same general class of customers and the same area served by him from his old place.

The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated at the new place in substantially the same manner as at the old place, and that the applicant will continue to serve from the new place the same general class of customers in the same area as he served from the old place, it shall grant the application. (If the district office finds that the new establishment will not be operated in such manner as to satisfy the tests described in this subparagraph, it shall deny the application.)

(3) An industrial user who has several establishments which are registered together may use his allotments or inventory at any of them interchangeably and need not apply for permission to do so.

4. Section 11.3 (c) is added to read as follows:

(c) An industrial user who moves all or part of the business of an establishment to a new place and is granted permission to continue his operations at that place, may not use his allotment there if his operation of the establishment ceases to meet the tests prescribed for moving that establishment. In that case, his establishment at the new place shall be considered closed and subject to the provisions of section 13.1.

5. Section 6.6 (f) is amended by adding the following to the end of the paragraph: "However, an industrial user who acquires foods under section 6.12 is not required to report that acquisition under this paragraph."

This amendment shall become effective October 23, 1944.

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

(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; WFO No. 56, 8 F.R. 2005; 9 F.R. 4319, and WFO No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16133; Filed, Oct. 19, 1944; 11:46 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 25]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 16 is amended in the following respects:

1. Section 7.15 is added to read as follows:

SEC. 7.15 *An industrial user may transfer foods or points for industrial use*—(a) *General.* A registered industrial user may transfer foods covered by this order without getting points (or he may transfer points without getting foods) to any person for making an industrial use of those foods (or points) which the transferor is entitled to make under section 7.8 (c), and, unless otherwise authorized by the Office of Price Administration, only if:

(1) Prior to the transfer, the transferor and transferee give the notice required under paragraph (b) of this section; and

(2) The product made will be distributed in the same area and to the same general class of customers served by the transferor before the transfer.

(b) *Notice.* Before any transfer may be made under this section, both the transferor and transferee must notify, in writing, the board (or district office) with which the transferor is registered. The notice must state:

(1) The amount and point value of the foods or the number of points involved;

(2) The names and addresses of both parties;

(3) The use to be made of the foods transferred (or of the foods acquired with the points transferred);

(4) The class of customers and the area served by the transferor; and

(5) That the product made will be distributed to that class of customers in that area.

(c) *The transferee may use foods or points acquired under this section whether or not he is registered.* The transferee may use foods or points transferred in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the foods or points in addition to any use permitted him under section 7.8 of this order.

(d) *Use of foods or points and distribution of products.* The transferee may use foods transferred (or foods obtained with points transferred) to him under this section only for the purpose stated in the notice (or for other uses or products in the same class) and only to the extent that the transferor might use the foods or points for that purpose. Furthermore, whichever of them distributes products which the transferee makes with such foods to anyone else, must distribute those products in the same area and to the same general class of customers as the transferor served prior to the transfer. If the transferee distributed products of the same class to the same area and general class of customers before receiving the foods or points under this section, he must continue to distribute to that area and class of customers at least the same proportion of the product made with the points allotted to him for that class of products as he distributed before he acquired the foods or points under this section. Any foods used by the transferee under this section are considered to have been used by the transferor as well as the transferee.

(e) *Records.* The transferee must make and keep for two years at his principal business office, records showing by months the amounts and point value of any foods covered by this order which were acquired by him under this section and the amount of such foods used for

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

[1] 9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7262, 7344.

each product or use made with those foods.

(f) *Transferee may open a ration bank account.* The transferee may open a ration bank account in the same way as a registered industrial user may open an account.

2. Section 12.2 is amended to read as follows:

SEC. 12.2 *Sale or transfer of industrial user establishments*—(a) *General.* When an "industrial user" sells or transfers to any other person all or part of the business of his "industrial user establishment", for continued operation, both the transferor and transferee must notify the board (or district office) at which the establishment is registered. The notice must be given, in writing before the sale or transfer if possible or, if not possible, within five days thereafter, and must show:

(1) The name and business address of the establishment and of the persons transferring and acquiring it;

(2) Whether all or part of the business is being transferred, and if the entire business is not being transferred, then the part of the business which is being transferred;

(3) The point value of the inventory, if any, transferred; and

(4) The point balance, if any, in the establishment's ration bank account and the number of points on hand, including points sent to a supplier for foods not yet shipped.

(b) *When the entire industrial user establishment is transferred.* (1) When the entire industrial user establishment is transferred for continued operation, the seller or transferor must give up to the board (or district office) all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his ration check payable to the Office of Price Administration and he must notify the district office in the way required by General Ration Order 3A. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(2) The transferee may not use the stocks of foods covered by this order which are transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R–315, to the board (or district office) for the place where the establishment is registered and must state whether:

(i) The entire establishment, as well as the inventory of foods covered by this order, has been transferred;

(ii) The transferee will continue to serve, from that establishment, the same general class of customers in the same area served by it before the transfer; and

(iii) The transferee will continue to produce, at the establishment, the same classes of products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(3) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in subparagraph (2) are satisfied, it shall assign to the transferee the transferor's allotment and base-period use, for that establishment. It shall also give the transferee a certificate for the number of points that the transferor surrendered to the board (or district office). However, if the amount of foods covered by this order transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(c) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(d) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a) and (b) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all, of them, the transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this subparagraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 9.2 (e) of this order.) The board shall send the applications and notices of both parties, and the transferor's registration, to the district office.

(i) If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (b) (2) are satisfied, it shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment for that establishment corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of foods covered by this order which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(ii) If the district office finds that the establishment will not be operated in substantially the same manner as before the transfer or that the tests described in paragraph (b) (2) are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the transferred establishment and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(e) *Sale of part of the business of an establishment.* (1) When part, but not all, of the business of an industrial user establishment is transferred, the transferee must apply for an allotment and assignment of a base-period use. The application must be made, on OPA Form R–315, to the board (or district office) with which the transferee will register his establishment, and must state:

(i) What part of the business has been transferred;

(ii) The point value of the inventory transferred;

(iii) Whether the transferee will continue to produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name);

(iv) The class of products made by, and the class of customers and area served by the part of the business transferred; and

(v) Whether the transferee will continue to serve the same general class of customers and the same area with the same class of products as were served by the part of the business transferred.

(2) The transferor must also apply to the board (or district office) with which he is registered for a redetermination of his allotment and base-period use. (In that case, the transferor is not required to surrender points except as provided in this paragraph, and he is not required to close his ration bank account unless, after the transfer, he is not permitted to have an account under the provisions of section 9.2 (e) of this order.)

(3) The board shall send the applications and notices of both parties, and

the transferor's registration to the district office.

(4) If the district office finds that there was a bona fide sale or transfer of part of the business, that the transferee will produce the same class of products which the transferor was permitted to produce (though not necessarily under the same trade name), and that the transferee will continue to serve the same general class of customers and the same area previously served by the part of the business transferred, the district office shall grant an allotment to the transferee and assign to him a base-period use. It shall first determine the amount of the transferor's allotment and the base-period use allocable to the part of the business transferred. That base-period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's allotment (for that part of his business) corresponding to the unexpired part of the allotment period. The base-period use and the allotment assigned to the transferee shall be deducted from the base-period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of foods covered by this order which is transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(5) If the district office finds that there was not a bona fide sale or transfer of part of the business or that the tests described in subparagraph (4) of this paragraph are not satisfied, it shall refuse to grant an allotment to the transferee or assign a base-period use to him. However, it shall determine the amount of the transferor's allotment and base-period use allocable to the part of the business transferred and the amount of that allotment and base-period use shall be deducted from the current allotment and the base-period use of the transferor. If the amount of the reduction in his current allotment exceeds the point value of the inventory transferred with the establishment, the difference shall be treated as excess inventory.

(f) *Transferee's registration.* A transferee is regarded as registered as soon as the district office assigns an allotment and base-period use to him and an OPA Form R–1200 is filed by him.

(g) *Use of allotment by transferee.* A transferee may not use any allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (b) or (e), as the case may be.

(h) *The district office shall notify the transferor and transferee of the decision.* The district office shall notify, in writing, both the transferor and transferee of its decision on any application made under this section.

(i) *If the transferee is not assigned a base, the transferor may apply for the reassignment of the base to him.* If, under this section, a district office refuses to assign an allotment or base-period use to a transferee, the transferor may, within 30 days after the district office notifies him of such refusal, notify the district office, in writing, that he wishes to resume making the same class of products and serving them to the same general class of customers in the same area to substantially the same extent as before the transfer. In that event, if the district office finds that the transferor intends to and will be able to do so promptly, it may reassign to him his base-period use and allotments just as though there had been no transfer.

3. The section reference in the last sentence of section 12.3 (b) is amended to read "section 12.2".

4. Section 12.4 (b) is amended to read as follows:

(b) (1) If an industrial user has several establishments which are registered separately, and he wishes to move all or part of the business of one or more of them to another place, the moving is to be treated as a transfer to a different person under section 12.2 of this order. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee. The same rule applies if he has one establishment and wishes to move all or part of its business to another place which is to be registered separately.

(2) If an industrial user has several establishments which are registered together, and he wishes to move all or part of the business of one or more of them to a new place, he must apply for permission to do so. The application must be made on OPA Form R–315, to the board (or district office) with which he is registered and must show:

(i) The new address at which the applicant wishes to operate;

(ii) Whether all or part of the business will be moved, and, if only part is to be moved, he must describe the part which will be moved;

(iii) The point value of the inventory, if any, which will be moved to the new place;

(iv) The class of products made by, and the class of customers and area served by the business (or part of the business) which will be moved; and

(v) Whether he will continue to serve, from the new place, the same general class of customers and the same area served by him from his old place.

The board shall send the application, with its recommendation, if any, to the district office. If the district office finds that the establishment will continue to be operated at the new place in substantially the same manner as at the old place, and that the applicant will continue to serve from the new place the same general class of customers in the same area as he served from the old place, it shall grant the application. (If the district office finds that the new establishment will not be operated in such manner as to satisfy the tests described in this subparagraph, it shall deny the application.)

(3) An industrial user who has several establishments which are registered together may use his allotments or inventory at any of them interchangeably and need not apply for permission to do so.

5. Section 12.4 (c) is added to read as follows:

(c) An industrial user who moves all or part of the business of an establishment to a new place and is granted permission to continue his operations at that place, may not use his allotment there if his operation of the establishment ceases to meet the tests prescribed for moving that establishment. In that case, his establishment at the new place shall be considered closed and subject to the provisions of section 14.1.

6. Section 7.6 (f) is amended by adding the following to the end of the paragraph: "However, an industrial user who acquires foods under section 7.15 is not required to report that acquisition under this paragraph."

This amendment shall become effective October 23, 1944.

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

(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 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–16130; Filed, Oct. 19, 1944; 11:46 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 64]

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.*

Maximum price regulation 426 is amended in the following respects:

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

[1] 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, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10192, 10499, 10877, 10777, 10878, 11350, 11546.

1. In section 1 (f) (6) the reference to section 2 (d) is amended to read section 2b.

2. Section 2b is added, to read as follows:

SEC. 2b. *Delegation of authority to establish maximum prices for purveyors.* Any regional administrator, and such district directors as the regional administrator may authorize, may by order establish maximum markups for purveyors at wholesale receiving points within its jurisdiction, not to exceed 150% of the applicable over-all maximum markups for less-than-carlot and less-than-trucklot sales named in the Appendices to Article III, section 15, and add further limitations to the definition of the term "purveyor" in order to reflect any additional functions normally performed by such sellers in the particular wholesale receiving point for which the markup is being fixed.

3. In section 15, Appendix H is amended in the following respects:

a. In Table 1 of paragraph (b), a footnote reference 7 is added to items 3 and 4 in Columns 2, 5, 6 and 7 and footnote 7 is added, to read as follows:

[7] For California and Arizona carrots packed in containers of 5 dozen bunches and having a net weight of 72 pounds, the Column 5 price is $2.50 per crate and Column 6 price is $2.50 per crate, plus freight from El Centro or Salinas, California, as the case may be (including 3% transportation tax) plus protective services in footnotes 1 and 2 above. The Column 7 price is the Column 6 price in the footnote plus 75¢.

b. In the table in footnote 2 to Table 16, items 2 and 3 in the column under "Wholesale Receiving Points" are amended to read as follows:

2. In all other states except for intra-state shipments described in 3 below.

3. In California and Arizona, in cases where the shipping point and the wholesale receiving point are in the same state.

c. In the table in paragraph (c), a new item is added to item 4, immediately following the item "other than hot house, bushel", to read as follows:

TABLE OF MAXIMUM MARKUPS FOR DISTRIBUTIVE SERVICES TO BE ADDED TO MAXIMUM DELIVERED PRICES

(See column 6 of tables in paragraph (b))

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
			Sales by a grower or a country shipper [1]					Sales by a service wholesaler delivered to the premises of any retail store, Government procurement agency, or institutional buyer, within the free delivery zone [2]	
Item No.	Commodity	Unit [1]	Through a broker shipper's sales agent or commission merchant in carlots or trucklots or through broker, shipper's sales agent, or terminal auction in less-than-carlot or less-than-trucklot	Through a commission merchant in less than carlots or less than trucklots	Sales by anyone, other than a grower or country shipper, who has purchased a carlot or trucklot, and sells such a carlot or trucklot unbroken	Sales by carlot receivers in less-than-carlots or less-than-trucklots. (For sales by carlot receivers through terminal auction the markups named in Col. 4 shall be applied)	Sales by secondary jobbers in any quantity delivered to the premises of the purchaser	Half container or larger	Less than half-container
4	Cucumbers	Lugs	$0.07	$0.22	$0.07	$0.22	$0.45	$0.45	

4. Appendix I of section 15 is amended in the following respects:

a. In Table 1 in paragraph (c) a footnote reference, 7, is added to items 8, 10, 12 and 14 in Column 6; a footnote reference, 8, is added to items 8 and 10 in Column 7; a footnote reference, 9, is added to items 12 and 14 in Column 7, and footnotes 7, 8 and 9 are added to read, respectively, as follows:

[7] During the period May 1 to November 15, maximum prices for sales delivered to wholesale receiving points in Arizona shall be the price in Column 5 plus freight (including 3% transportation tax) from Fillmore, California, plus protective services as listed in footnote 3, above.

[8] This price does not apply to wholesale receiving points in Arizona, but instead, the maximum price is the Column 6 price plus 75 cents for item 8, or plus 55 cents for item 10.

[9] This price does not apply to wholesale receiving points in Arizona, but instead the maximum price is the Column 6 price plus 1 cent.

b. In Table 9 in paragraph (c) a footnote reference, 7, is added to items 8, 10, 12 and 14 in Column 6; a footnote reference, 8, is added to items 8 and 10 in Column 7; a footnote reference 9, is added to items 12 and 14 in Column 7, and footnotes 7, 8 and 9 are added to read, respectively as follows:

[7] During the period May 1 to November 15 maximum prices for sales delivered to wholesale receiving points in Arizona shall be the Column 5 price plus freight (including 3% transportation tax) from Fillmore, California, plus protective services as listed in footnote 3, above.

[8] This price does not apply to wholesale receiving points in Arizona, but instead the maximum price is the Column 6 price plus 90 cents for item 8, or plus 72 cents for item 10.

[9] This price does not apply to wholesale receiving points in Arizona, but instead the maximum price is the Column 6 price plus 1.1 cents.

c. In Tables 2, 3, 6 and 7, footnote 1 is amended by adding two paragraphs; in Table 8 a footnote reference, 8, is added to the title, and footnote 8 is added; in each case to read as follows:

For citrus fruits packed in bushel baskets with a net content of ⅝ that of "standard" or "legal" containers, and packed "fairly tight" or tighter, or packed in accordance with any applicable law, the maximum price in each case is ⅝ of the maximum price for the same citrus fruits packed in "standard" or "legal" containers.

For citrus fruits packed in 8 10-pound bags, 10 8-pound bags or 16 5-pound bags, the maximum price in each case is 20¢ higher than the maximum price for "standard" or "legal" 1⅗ bushel containers.

This amendment shall become effective this 21st day of October 1944.

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

Approved: OCTOBER 14, 1944.

MARVIN JONES,
War Food Administrator.

For the reasons set forth in the statement of considerations accompanying the foregoing amendment, I approve the pricing method set forth for California oranges and grapefruit delivered to wholesale receiving points in Arizona, and find that the prices thereby established are necessary to correct a gross inequity.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-16137; Filed, Oct. 19, 1944; 11:44 a. m.]

PART 1445—LIVESTOCK

[MPR 469,[1] Amdt. 9]

LIVE HOGS

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

Schedule II of section 13 is amended by changing the ceiling price for Caldwell, Idaho from "14.85" to "15.05".

This amendment shall become effective October 18, 1944.

Issued this 18th day of October 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: October 17, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-16101; Filed, Oct. 18, 1944; 4:28 p. m.]

---

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

[1] 8 F.R. 12562, 13741, 13847, 9 F.R. 2654, 5075, 5435, 12279.

PART 1447—GLUE STOCK

[MPR 563]

WET GELATIN RAW STOCK

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 563—WET GELATIN RAW STOCK

Sec.
1. Prohibition against purchases and sales of wet gelatin raw stock at higher than maximum prices.
2. Prohibition against unwarranted diversion of wet gelatin raw stock into certain distributive channels.
3. Less than maximum prices.
4. Adjustable pricing.
5. Applicability of this regulation and relationship to other maximum price regulations.
6. Records and reports.
7. Evasion.
8. Enforcement.
9. Licensing.
10. Petitions for amendment.
11. Definitions.
12. Maximum prices for sales by producers of wet gelatin raw stock.
13. Maximum prices for sales of wet gelatin raw stock for which no maximum prices are established by section 12.

AUTHORITY: Sections 1 to 13, inclusive, (§ 1447.2) 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. *Prohibition against purchases and sales of wet gelatin raw stock at higher than maximum prices.* On and after October 24, 1944 regardless of any contract, agreement, lease, or other obligation:

(a) No person making a sale of a wet gelatin raw stock for which maximum prices are established by this regulation shall sell, deliver or transfer such wet gelatin raw stock at prices higher than the maximum prices so established.

(b) No person purchasing a wet gelatin raw stock for which maximum prices are established by this regulation shall buy or receive such wet gelatin raw stock in the course of trade or business at higher prices than the maximum prices so established.

(c) No person in the United States who deals directly with a Canadian seller or with his selling agent shall buy or receive any wet gelatin raw stock in the course of trade or business, at higher prices than the maximum prices established under section 12 of this regulation.

(d) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Prohibition against unwarranted diversion of wet gelatin raw stock into certain distributive channels.* No producer shall deliver during any quarterly period commencing October 1, 1944, to dealers in the aggregate, a greater percentage by weight of total wet gelatin raw stock deliveries during that quarterly period, than the percentage such producer delivered to dealers, in the aggregate during the year 1942. In special cases and on a showing of excessive hardship the Administrator may by letter modify this prohibition.

SEC. 3. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 4. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 5. *Applicability of this regulation and relationship to other maximum price regulations*—(a) *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

(b) *Relationship of this regulation to the General Maximum Price Regulation.*[1] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of wet gelatin raw stock.

(c) *Relationship of this regulation to the Maximum Import Price Regulation.*[2] The provisions of this regulation supersede the provisions of the Maximum Import Price Regulation with respect to sales and deliveries of wet gelatin raw stock imported from Canada only. Sales and deliveries of other imported wet gelatin raw stock remain subject to the Maximum Import Price Regulation.

(d) *Relationship of this regulation to the Second Revised Maximum Export Price Regulation.*[3] The provisions of this regulation shall not apply to sales and deliveries of wet gelatin raw stock for export, which are governed by the Second Revised Maximum Export Price Regulation.

(e) *Relationship of this regulation to Revised Maximum Price Regulation No. 148.*[4] The provisions of this regulation shall not apply to sales and deliveries of hog skins, which are governed by Revised Maximum Price Regulation No. 148.

SEC. 6. *Records and reports*—(a) *Records.* (1) Every person making purchases in the course of trade or business or sales of wet gelatin raw stock after October 23, 1944, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such wet gelatin raw stock purchased or sold.

(2) Every producer making sales of wet gelatin raw stock after October 23, 1944, shall also preserve for inspection by the Office of Price Administration for the duration of the Emergency Price Control Act of 1942, as amended, or two years, whichever is shorter, all his existing records of each sale or delivery made in 1942, showing the date thereof, the name and address of the buyer, the price contracted for or received and the quantity of each type and grade of wet gelatin raw stock sold or delivered.

(b) *Reports.* (1) On or before November 8, 1944 each producer shall file with the Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C. a report showing for the year 1942: (i) The tonnage of wet gelatin raw stock delivered to dealers in the aggregate; and (ii) the total tonnage thereof delivered to all buyers.

(2) In the event that wet gelatin raw stock actually received by a buyer differs in any material respect from the description thereof contained in the invoice or similar document delivered in connection with the purchase, such buyer shall transmit to the Office of Price Administration, within 3 days after his inspection of the wet gelatin raw stock, a statement identifying the seller and the shipment and setting forth such difference.

(c) Such persons shall keep such other records and shall submit other reports to the Office of Price Administration in addition to or in place of the records and reports required in paragraphs (a) and (b) of this section, or the reports mentioned in section 13 hereof, as the Office of Price Administration, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, may from time to time require.

SEC. 7. *Evasion.* Price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to wet gelatin raw stock alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, discount, premium, or other privilege, or by tying agreement or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

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

[1] 9 F.R. 1385, 5169.

[2] 9 F.R. 2350.

[3] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

[4] 7 F.R. 8609; 8 F.R. 544, 2922, 4785, 7322.

SEC. 9. *Licensing.* The provisions of Licensing Order No. 1,[5] 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 violation of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment to any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[6]

SEC. 11. *Definitions.* As used in this regulation, the term:

(a) "Wet gelatin raw stock" means

(1) "Cattlehide side, kip side, whole kip and calf split gelatin stock" which includes, but is not limited to the following:

(i) "Whole reject splits and split trimmings" which means any part of a cattlehide, kip side, whole kip or calf skin (including shoulders, heads which are part of the split trimmings, bellies and shanks) which has been split into two or more thicknesses, other than the grain or hair side, and which is not suitable for further tanning purposes. They occur in the following grades:

(a) "Regular limed" which means whole reject splits and split trimmings chemically untreated beyond the dehairing process and containing not more than 75 per cent moisture. The material must be free of excess sulphide or lime.

(b) "Pickled" which means whole reject splits and split trimmings chemically untreated beyond the pickling process and containing not more than 55 per cent moisture. The material must have been drained at least 24 hours before determination of invoiced weight.

(c) "Processed" means any whole reject splits or split trimmings other than regular limed or pickled, such as

(1) Pickled splits or trimmings which have been chemically treated and converted to an alkaline reaction or neutralized, sometimes called "depickled splits"; or

(2) Splits or split trimmings, pickled or limed, treated by or subjected to any other process in addition to pickling or liming.

(ii) "Limed head splits" which means limed head splits (sometimes called "limed middle split heads") made by processing green salted heads which have been separated from the green salted hide prior to tanning, as distinguished from heads trimmed off limed, pickled or otherwise processed splits.

(2) "Kip side, whole kip and calf skin gelatin stock" which means those parts of a green salted or limed hide or skin which are not suitable for tanning purposes and which are trimmed off and used for gelatin stock. It includes but is not limited to the following:

(i) "Green salted trimmings, pates and pieces" which means trimmings from green salted domestic packer, green salted country or green salted city skins in which moisture does not exceed 45 per cent. To qualify as "suitable for photographic emulsion gelatin" the material must be free of tails, sinews, loose dewclaws, skull bones, loose ears and loose snouts. No preservatives or chemicals must have been used, except loose salt not exceeding 5 per cent by weight. Material shall be received in sound condition with no evidence of heating or decay. It shall average a minimum of 60 per cent pates to a maximum of 40 per cent pieces and trimmings by weight.

(ii) "Limed cheekings" which means the dehaired hide substance from the flesh side of that portion of the skin which covers the cheek and upper neck, usually 7" x 7" in size and which has not been treated with arsenic. Moisture shall not exceed 80 per cent.

(iii) "Limed grain trimmings and pieces" which means dehaired trimmings and pieces (other than cheekings) of the grain or hair side of the skin and which have not been treated with arsenic. Moisture shall not exceed 78 per cent.

(b) "Pates" means the whole heads including attached ears and snouts.

(c) "Producer" means a tanner, packer, renderer or butcher selling by-product wet gelatin raw stock accumulated from his tanning, packing, rendering, or slaughtering operations.

(d) "Dealer" means a person other than a producer.

(1) Who buys wet gelatin raw stock and resells same without changing its form by shipping the material directly to his buyer from his seller's plant, or by moving the material to his own premises for a purpose such as sorting or assembling of truck or car lots prior to resale; or

(2) Who buys green salted hides or skins or untrimmed splits and who trims such material selling the trimmings thereof.

(e) "Short distance deliveries" means deliveries within a 50-mile radius of shipping point.

(f) "Long distance deliveries" means deliveries beyond a 50-mile radius of shipping point.

(g) "Ton" means 2,000 pounds.

(h) "Processor" means the person who makes processed whole reject splits or split trimmings or who employs some other person to make them for him.

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

SEC. 12. *Maximum prices for sales by producers of wet gelatin raw stock.* The following maximum prices for sales by United States producers (and for purchases by United States buyers directly from a Canadian seller or his agent) are per ton, f. o. b. seller's shipping point. No additional charges may be made for containers, baling or loading.

(a) *Cattlehide side, kip side, whole kip, and calf split gelatin stock.* (1) Whole reject splits and split trimmings:

(i) Regular limed	$66.00
(ii) Pickled	86.00

(2) Limed head splits—$50.00.

These maximum prices are based on shipping weights with 5% shrinkage for long distance deliveries, and 1% shrinkage for short distance deliveries. The seller shall reduce his charges for the shipment to compensate for any loss in weight in excess of these amounts.

(b) *Kip side, whole kip and calf skin gelatin stock.*

(1) Green salted trimmings, pates and pieces:	
(i) Suitable for photographic emulsion gelatin (though it need not be used for that purpose)	$50.00
(ii) All others	42.00
(2) Limed grain trimmings and pieces except cheekings	40.00
(3) Limed cheekings	45.00

These maximum prices are based on shipping weights with 3% shrinkage for long distance deliveries, and 1% shrinkage for short distance deliveries. The seller shall reduce his charges for the shipment to compensate for any loss in weight in excess of these amounts.

SEC. 13. Maximum prices for sales of *wet gelatin raw stock for which no maximum prices are established by section 12 hereof.* Each seller of any wet gelatin raw stock for which no maximum prices are established by section 12 hereof (including a reseller of material imported from Canada) shall file an application for the establishment of maximum prices with the Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C. Such application shall be submitted by registered mail prior to sale and shall be accompanied by a description of the particular grade or type of wet gelatin raw stock, the nature of the transaction involved, the maximum price under the General Maximum Price Regulation or the Maximum Import Price Regulation (if any), the current selling price, and the maximum price proposed. In addition, the report shall include the following information, depending on the nature of the transaction involved:

(a) *Where processed whole reject splits or split trimmings are the subject of sale by the processor thereof:*

(1) Production of each type or grade of such processed material in tons for the first eight months of 1944.

(2) Tonnage of splits and/or split trimmings used by types and grades and acquisition cost thereof for the same period; also conversion costs (including cost of processing materials and other manufacturing costs) broken down in the manner in which such statements are prepared by the company for management purposes. In the event that allocations of factory overhead, general administrative and selling expenses and other charges are made to the product, the amounts of such allocations and the method by which such allocations have been determined must be shown. In case the seller has his gelatin raw stock processed by a contractor or any other

[5] 8 F.R. 13240.

[6] 7 F.R. 8961; 8 F.R. 3315, 3533, 6173, 11806; 9 F.R. 1594.

third party, the seller shall include a breakdown of the conversion costs of said contractor or other third party for the same period.

(3) Total number of tons of each grade or type of such processed material sold, and the total net dollar sales for each grade or type, less all commissions, discounts and transportation charges allowed by the seller, for the same period.

(4) The purchaser's name and address together with a statement by such purchaser as to his reason for requiring such processed material.

(b) *Where the seller is a dealer.* (1) Sales of each type or grade of domestic wet gelatin raw stock in tons for the months of October 1941 and March 1942, the calender year 1943 and the first 8 months of 1944. This information must include total number of tons of each grade or type sold and must show the number of tons produced by the seller and number of tons purchased from others for resale with or without further processing by applicant; also total net dollar sales for each grade or type, less all commissions, discounts and transportation charges allowed by the seller for the above periods. Separate returns must be shown for sales for direct shipment from the producer's plant to the dealer's customer, and for shipments from the dealer's premises to his customer.

(2) Cost of sales of each type or grade of domestic wet gelatin raw stock in tons for the months of October 1941 and March 1942, the calendar year 1943 and the first 8 months of 1944. This information must show total number of tons of each grade or type produced by the seller and number of tons purchased from others, for the above periods. Separate returns must be shown for purchases involving direct shipments from the producer's plant to the dealer's customer, and for shipments from the dealer's premises to his customer.

(3) The information specified in paragraphs (1) and (2) above for domestic wet gelatin raw stock shall be submitted separately for materials imported from Canada.

(c) *Where grades or types of wet gelatin raw stock not listed or defined in section 11 are the subject of sale.* (1) A statement how these types or grades differ from types or grades listed and defined by this regulation or those listed in the War Production Board's Conservation Order M-368, as amended.

(2) Production of each type or grade of such wet gelatin raw stock in tons during the most recent 6 month period.

(3) Total number of tons of each grade or type of such wet gelatin raw stock sold and the total net dollar sales for each grade or type, less all commissions, discounts and transportation charges allowed by the seller for the same period.

Sales and purchases of the types mentioned in paragraphs (a), (b), and (c) above may be made at such proposed prices after the date of mailing such application, subject, however, to the following conditions: If the proposed price is disapproved by letter on receipt of the application no sales may be made until a maximum price is approved and established. If, at the expiration of 20 days from the date of receipt of the application (or all additional information which may have been requested) the Office of Price Administration has not in writing disapproved or modified the proposed maximum price, or if a notice or order of approval has been received by applicant, such proposed price may be considered as authorized: *Provided, however,* That if applicant has failed to submit promptly accurate and complete information in accordance with the provisions of this section, or has failed to disclose any evidence material to the establishment of such maximum price and called for by this regulation, a sale at the proposed price, if it is higher than the correctly determined price, is a violation of this regulation even though the 20 day period elapses without receipt of any communication from the Office of Price Administration or even though notice of approval of the proposed price was dispatched. In such case the ceiling price applicable to the sale in question is the maximum price finally established.

In general, the prices established under this section shall be in line with the level of maximum prices established by this regulation, and consideration shall be given to the past prices and practices of the applicant and the industry and to the value of the distributive service rendered. The Office of Price Administration may, at any time by order, disapprove and modify any maximum price established under this section and may require refunds where an unauthorized price is modified.

Effective date. This regulation shall become effective October 24, 1944.

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

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16138; Filed, Oct. 19, 1944; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[1] Amdt. 182]

LUGGAGE FRAMES

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.*

Article VI of Revised Supplementary Regulation 14 is amended by adding a new section thereto to read as follows:

SEC. 6.58 *Luggage frames—(a) Products and persons covered.* This section applies to all sales and deliveries of luggage frames in the sizes specified in paragraph (b) below, manufactured in the States of New York, New Jersey and Pennsylvania. As used in this section, the term "luggage frames" means the complete frame no matter whether it is made of plywood upson board, fibreboard or any other material.

(b) *Maximum prices.* The maximum price for a complete luggage frame for the respective size shall be as follows:

Size	18"	21"	26"	29"	"Two-suiters"
Price	$0.66	$0.76	$1.14	$1.21	$1.13

These prices include all commissions, delivery and all other charges.

Luggage frames in all other sizes shall remain subect to the General Maximum Price Regulation.

This amendment shall become effective October 20, 1944.

Issued this 19th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16134; Filed, Oct. 19, 1944; 11:45 a. m.]

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

[1] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

Chapter XIII—Petroleum Administration for War

PART 1507—DISTRIBUTION

[Recommendation 37, Revocation]

CONTRACTUAL COMMITMENTS NOT TO INTERFERE WITH DISTRIBUTION REQUIREMENTS

Sections 1507.13 to 1507.15, inclusive (Recommendation No. 37 (7 F.R. 3491) of the Office of Petroleum Coordinator for National Defense), are hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: October 19, 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-16121; Filed, Oct. 19, 1944; 11:21 a. m.]

[Recommendation 39, Revocation of Amendment]

PART 1508—MARKETING

CONSERVATION OF FUEL OIL

Section 1508.41 (Recommendation No. 39, Amendment (7 F.R. 7916) of the Office of Petroleum Coordinator for War) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: October 19, 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-16122; Filed, Oct. 19, 1944; 11:21 a. m.]

[P. D. O. 66 as Amended May 22, 1943, Revocation]

PART 1527—MARKETING ASPHALT

Section 1527.1 (Petroleum Directive No. 66 as amended May 22, 1943 (8 F.R. 6739)) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: October 19, 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-16123; Filed, Oct. 19, 1944; 11:21 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OF LOANS

OCTOBER 18, 1944.

The following regulations govern the guaranty of loans under Title III of the Servicemen's Readjustment Act of 1944:

AUTHORITY: §§ 36.4000 to 36.4049, inclusive, issued under 58 Stat. 284.

§ 36.4000 *Definitions.* Wherever used in these regulations, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans Affairs or any employee of the Veterans' Administration designated by him to act in his stead.

(b) "United States" used geographically means the several States, Territories and possessions, and the District of Columbia.

(c) "State" means any of the several States, Territories and possessions, and the District of Columbia.

(d) "Designated Agency" or "Agency" as used in respect to processing applications for guaranty of loans, means any Federal instrumentality designated by the Administrator (including Veterans' Administration if so designated) to certify whether an application meets the requirements of the act and regulations, and recommend whether the application should be approved if the applicant is found eligible.

(e) "Federal Agency" as used with respect to agencies making, guaranteeing or insuring primary loans, means any Executive Department, or administrative agency or unit of the United States Government (including a corporation essentially a part of the Executive Branch) at any time authorized by law to make, guarantee or insure such loans.

(f) "Guaranty" means the obligation of the United States of America assumed by virtue of the guaranty by the Administrator as provided in Title III of the Servicemen's Readjustment Act of 1944 (58 Stat. 284; 38 U.S.C. 693), and subject to the limitations and conditions thereof and of these regulations. The subject of the guaranty is that portion of an eligible loan procured by an eligible veteran which may be subject to being guaranteed as provided in said Title III, as determined by the Administrator upon application in accordance with these regulations.

(g) "Mortgage" means an applicable type of security instrument commonly used or legally available to secure loans or the unpaid portion of the purchase price of real or personal property in a State, District, Territory, or possession of the United States of America in which the property is situated. It includes, for example, deeds of trust, security deeds, escrow instruments, real estate mortgages, conditional sales agreements, chattel mortgages, etc.

(h) "Secondary" or "junior" loan means a loan which is secured by a lien or liens subordinate to any other lien or liens on the same property.

(i) "Guaranteed loan" means a loan unsecured, or secured by a primary lien, or where permissible under the act and these regulations, a secondary lien, which loan is guaranteed in whole or in part by the Administrator as evidenced by endorsement thereon; or by Loan Guarantee Certificate issued by the Administrator, and which shall have become effective as prescribed by these regulations; or by such other legal evidence as may be provided by the Administrator.

(j) "Home" and "residential property" means any dwelling consisting of not more than four family units, or any combination dwelling and business property, the primary use of which is occupation by the veteran as his home.

(k) (1) "Reasonable normal value" for the purposes and intent of the act is that which can be justified as a fair and reasonable price to be paid for a property for the purposes for which it is being acquired, assuming a reasonable business risk, but without undue speculative or other hazard as to the future of such value.

(2) The purpose and intent are (i) to assure that the price to be paid represents a fair and reasonably permanent value in the real property to be acquired, (ii) to give, so far as the real estate is concerned, the basis for a fair but not unreasonable risk on the part of the United States Government when executing its guarantee, (iii) to assure that the appraisal shall be founded upon true and reasonably permanent values.

(3) Each valuation shall be justified, inter alia, (i) by the history of values and prices for this and similar properties, (ii) by the future resale possibilities as indicated by trends in the immediate locality and (iii) by the most probable and reasonably assured long term future economic and real estate conditions, national and local, as they will affect properties similar to and competitive with that under appraisal.

(4) "Reasonable normal value" is not necessarily "fair market value" nor "fair market price" in the usual legal sense of those terms, nor is it necessarily the same as "value for mortgage purposes."

(l) "Property" and "lot" as used in section 501 of the act refer to an interest in realty defined in this section, and subject to the conditions therein.

(1) An interest in realty may be a fee simple estate, or certain other estates indicated in subparagraphs (1) to (6) (including an estate for years) eligible as security for guaranteed loans. But in any event the estate shall be one limited to end at a date more than 14 years after the ultimate maturity date of the loan, or when the fee simple title shall vest in the lessee; except that, if it is a leasehold that terminates earlier, it shall nevertheless be acceptable if lessee has the irrevocable right to renew for a term ending more than 14 years after the ultimate maturity date of the loan or until the fee simple title shall vest in lessee: *Provided,* The mortgagee obtains a mortgage lien of the required dignity upon such option right or anticipated reversion or remainder in fee.

(2) A life estate or other estate of uncertain duration is excluded, unless the remainder interests are also encumbered by lien of the same dignity to secure the same debt.

(3) A remainder interest in realty shall be eligible as security for a mortgage loan only in the event that all the owners of intervening immediate or remainder interests lawfully can and do (i) join in the mortgage in such manner as to subject all such intervening estates to the lien; or (ii) execute and deliver a lease or other proper conveyance to the owner of the ultimate remainder in fee simple in such manner as to assure his legal right to possession and enjoyment until the vesting of his ultimate remainder interest.

(4) If other than a fee simple estate or estate for years with minimum duration as stated in subparagraph (1) of this paragraph, is offered as security full information may be submitted to the Administrator before taking application from the veteran. The Administration shall determine the eligibility of any such estate.

(5) The existence of any of the following will not require denial of the guaranty; hence will not require special submission:

(i) Outstanding easements for public utilities, party walls, driveways, and similar purposes;

(ii) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(iii) Slight encroachments by adjoining improvements;

(iv) Outstanding water, oil, gas or other mineral, or timber rights, which do not materially impair the value for residential purposes, or which are customarily waived by prudent lenders in the community: *Provided, however,* That if there is outstanding any legal right to quarry, mine or drill within 400 feet of the encumbered building the application for guaranty may be denied for that reason unless upon consideration of all the facts the Administrator determines otherwise. Such determination at the option of the lender or borrower may be obtained upon a special submission of all the facts prior to taking application for guaranty.

(6) A mortgage on an undivided interest in realty shall not be acceptable unless all co-tenants of the veteran join in the mortgage, and unless such joinder has the legal effect of creating a lien on the property such as is otherwise required. In such case it shall not be required that the co-tenants join in, endorse, or otherwise become personally liable on the veteran's indebtedness. Notwithstanding such joinder in the mortgage by the co-tenants the value of the security for purpose of guaranty shall be determined with respect to the individual interest of the veteran only, and the guaranty will be limited to the proper proportion of that sum, irrespective of the actual amount of the loan.

(m) "Indebtedness" means the unpaid principal and accrued interest on the note, bond or other obligations, the subject of the guaranty, and includes also taxes, insurance premiums and any other items for which the debtor is liable under the terms of the mortgage, or other contract, including proper contractual or statutory trustee fees and attorney fees, if any.

(n) "Note" means a promissory note, a bond, or other instrument evidencing the debt and the debtor's promise to pay same.

(o) "Appraiser" means an individual or firm or corporation of recognized standing, approved in writing by the Administrator to appraise property. An applicant for designation as an approved appraiser shall show to the satisfaction of the Administrator that he is of good character and that his experience and information enable him to form sound opinions as to the reasonableness of the purchase price or cost of property to be appraised in the territory in which he expects to operate.

A list of appraisers, considered by the Administrator to be in good standing at the time these regulations become effective, may be approved.

(p) "Certificate of title" means a written and signed opinion or statement as to title by a qualified member of the bar of, or by a title company authorized to do such business in, the jurisdiction in which the mortgaged property is situated; or at the option of borrower and lender a title insurance or guaranty contract by a corporation authorized to engage in such business in the State wherein the property is situated; or appropriate evidence of title in the proposed encumbrancer pursuant to a Torrens or other similar title registration statute.

(q) "Credit report" means the report submitted by any credit reporting agency of at least five years' experience with facilities for national coverage, approved by the Administrator, or any other form of report acceptable to the Administrator for the purpose of determining the applicant's credit standing.

(r) "Eligible veteran" means a veteran who:

(1) Served in the active military or naval service of the United States on or after September 16, 1940, and before the officially declared termination of World War II.

(2) Shall have been discharged or released from active service under conditions other than dishonorable, either

(i) After active service of ninety days or more, or

(ii) Because of injury or disability incurred in service in line of duty, irrespective of the length of service; and

(3) Applies for the benefits of this title within two years after separation from the military or naval forces, or within two years after the officially declared termination of World War II, whichever is later. In no event, however, may an application be filed later than five years after such termination of such war.

(s) "Eligible lenders" are persons, firms, associations, corporations, and "governmental agencies and corporations, either State or Federal." (Section 500 (c))

(t) "Creditor" means the payee, or any subsequent holder of the "indebtedness" and includes a mortgagee.

(u) "Debtor" means the maker of the note, or obligor in any other obligation, or any other person who is, or becomes, liable thereon, by reason of a contract of assumption or otherwise.

§ 36.4001 *Miscellaneous.* Throughout these regulations unless the context otherwise requires:

(a) The singular includes the plural;

(b) The masculine includes the feminine and neuter;

(c) Person includes corporations, partnerships and associations;

(d) Month means calendar month, i. e., the period beginning on a certain date in one month and ending at midnight on the preceding date of the next month;

(e) "The act" or "the statute" means the Servicemen's Readjustment Act of 1944, Ch. 268, 78th Congress, 2nd Session, (Public Law No. 346), 58 Stat. 284; 38 U.S.C. 693;

(f) Title III means Title III of the act.

LOANS ELIGIBLE FOR GUARANTY

§ 36.4002 *Eligible loans.* Real or personal property encumbered to secure a loan guaranteed pursuant to Title III of the act shall be situated within the United States.

§ 36.4003 *Purchase or construction.* Section 501 (a) of the act provides for granting to an eligible veteran "the guaranty of a loan to be used in purchasing residential property or in constructing a dwelling on unimproved property owned by him to be occupied as his home". The application therefor "may be approved by the Administrator", if he finds that:

(a) The proceeds of such loan will be used to pay for such property * * * (including construction cost);

(b) The contemplated terms of payment of any mortgage loan bear a proper relation to the veteran's present and anticipated income and expenses;

(c) The property is suitable for dwelling purposes;

(d) The purchase price or the construction cost, plus the value of the lot, does not exceed the reasonable normal value of the entire property as determined by proper appraisal; and,

(e) The loan appears practicable.

§ 36.4004 *Repairs, etc.* Section 501 (b) provides: "Any application for the guaranty of a loan under this section for the purpose of making repairs, alterations, or improvements in, or paying delinquent indebtedness, taxes or special assessments on, residential property owned by the veteran and used by him as his home may be approved by the Administrator if he finds that the proceeds of such loan will be used for such purpose or purposes."

(b) For the purpose of section 501 (b):

(1) "Alterations or improvements", means any structural changes in or additions to the property, including heating and other equipment that become fixtures, or the replacement of either, or operations of a protective nature, which will increase the usefulness of the property as a home.

(2) "Repairs" means the work and material necessary to restore the building, or a fixture therein, to a condition that is useful and appropriate to the circumstances, the need therefor having arisen because of wear and tear, accident, or other cause.

(3) "Taxes" means general or special taxes assessed against the property.

(4) "Special assessments" means any charges for improvement purposes assessed against the property.

(5) "Delinquent indebtedness" means past due amounts of principal or interest (without giving effect to any acceleration provisions) on an obligation secured in whole or in part by a lien or liens on property of an eligible veteran and occupied as his home.

(6) Satisfactory evidence will be required to establish that the proceeds of such loan will be used for one or more of the purposes stated in paragraph (b) of this section.

§ 36.4005 *Increase in value due to repairs, etc.* An application pursuant to section 501 (b) for the guaranty of a loan for repairs, alterations, or improvements of the property, must show that the amount of the loan will bear a proper relation to the value of the property, and that the repairs, alterations or improvements will enhance such value to a reasonable degree.

§ 36.4006 *Prior liens.* The existence of a lien or liens on the property in respect to which a guaranty of a loan is sought pursuant to section 501 (b) will not necessarily require a denial of the application for guaranty; but full consideration will be given to the amount, rate of interest, and maturity dates of the primary loan in determining whether a suitable relation will exist between the veteran's obligation and probable available income.

§ 36.4007 *First liens required.* Except as provided in section 505 of the act, loans for the purpose of purchasing or constructing homes, and in respect to which any guaranty is sought, shall be secured by a first lien on such property; but the existence of tax or special assessment prior liens will not disqualify security which is adequate and otherwise acceptable.

§ 36.4008 *Mortgages required.* (a) Each loan guaranteed in whole or in part by the Administrator shall be secured by a mortgage except that when the principal amount of a loan to be guaranteed does not exceed $500 and the lender does not require a mortgage, the Administrator may nevertheless guarantee such loan provided it complies otherwise with the act and these regulations (as to procedure see § 36.4024 (e)).

(b) The law of the State where the contract is made determines the capacity of the parties to contract. Similarly the law of the State wherein the real estate is situated determines the capacity of mortgagor to encumber and of the mortgagee to hold the legal rights resulting from encumbrance. The act does not modify such law of the State. The guaranty by the Administrator will be available only in the event that under the applicable State law the contract between the borrower and lender is binding on both, and the mortgage has the legal effect intended. Paragraph (b) of this section will be applicable particularly in cases involving minors, "persons of unsound mind," and persons under other legal disability by reason of the law of the State. It will be applicable also in cases involving mortgage or other loans which any guardian, conservator, or other fiduciary seeks to make, or obtain; and to a guaranty thereof for which application is submitted.

(c) *Type of loan and mortgage.* (1) Except as otherwise provided in paragraph (a) of this section each loan guaranteed under the provisions of Title III must be evidenced by a note or notes secured by appropriate security instrument or instruments ("mortgage legally sufficient in the jurisdiction in which the property to be encumbered is situated.")

(2) A term loan, which is in accord with applicable State or Federal law, and regulations, if any, may be eligible for guaranty if the amount of the loan to be guaranteed plus the unpaid amount of all obligations secured by liens superior to the lien securing the proposed loan does not exceed two-thirds of the reasonable normal value of the property encumbered to secure the loan and if the ultimate maturity date of the mortgage indebtedness so secured, and to be guaranteed, is not more than five years from the date of the note. Such superior liens shall not be mortgage liens, except when the guaranty is issued pursuant to sections 501 (b) or 505 of the act. (3) Except as provided in subparagraph (2) of this paragraph the loan shall be amortized. The obligation to be amortized may, and except for the first year shall, require such periodical payments of stated sums as will in accordance with standard amortization practice result in payment of the entire principal and interest within not more than 20 years from the date of the loan, or the date of assumption by the veteran, whichever is later. At the request of the mortgagor the payments during the first year shall be less than the amount required thereafter, by the sum representing the interest charge on the guaranteed part of the loan, and which interest charge the Administrator will pay at the end of that year.

§ 36.4009 *Transfer of title.* The conveyance of, or other transfer of title to the property after the creation of a lien thereon to secure the veteran's debt, which is guaranteed in whole or in part by the Administrator, shall not terminate or otherwise affect the contract of guaranty, unless (a) the creditor by express agreement for that purpose releases or otherwise discharges the veteran from personal liability thereon; or (b) by indulgence of, or by agreement with, the veteran's immediate or remote grantee contrary to these regulations and without the consent of the Administrator the creditor so alters the contract made by the veteran with the lender as to cause discharge of the veteran by operation of law.

§ 36.4010 *Obligation of guarantor.* To the extent prescribed the obligation of the United States is that of a guarantor, not an indemnitor.

§ 36.4011 *Contract provisions.* Subject to the provisions of the act and these regulations, the contract between the lender and borrower, may contain such provisions as they may agree upon and which are reasonable and customary in the locality where the property is situated.

§ 36.4012 *Repayment provisions.* (a) If the loan be an amortized loan the lender and borrower may contract for such periodical payments at monthly or other intervals but not less frequently than annually.

(b) If the mortgagor consents the mortgage may provide that each monthly or periodical payment shall include in addition to the proper amount to be credited to principal and interest a proportionate part of the estimated amounts required annually for all taxes, ground rents if any, special assessments if any, and fire and other hazard insurance premiums. Such provisions may direct the method of crediting the additional amounts included in the periodical payments for the purposes stated in this paragraph.

(c) The method may be by crediting the note with the amounts so received and debiting same with disbursements by the creditor for such purposes; or by crediting and debiting a separate "trust account", or otherwise as the debtor and creditor agree. Unless otherwise provided by the parties, all periodical payments made by the debtor on the obligation shall be applied to the following items in the order set forth:

(1) Taxes, special assessments, fire and other hazard insurance premiums, and ground rents (allocated among such items as the creditor elects);

(2) Interest on the mortgage debt; and

(3) Principal of the mortgage debt.

§ 36.4013 *Prepayments.* (a) When the debt is to be amortized the note or other evidence thereof, or the mortgage

securing same, shall contain appropriate provisions granting any person liable for such debt, the right to pay at any time the entire unpaid balance or any part thereof. Unless otherwise agreed all such prepayments shall be credited to the unpaid principal balance of the loan as of the due date of the next installment. No premiums shall be charged for any partial or entire prepayment.

(b) Any person liable shall be entitled to prepay a term loan, or any part thereof, upon not less than one month's notice. The note or mortgage shall so provide.

(c) Any prepayment shall be applied in the manner and to the items directed by the person making the prepayment.

§ 36.4014 *Pro rata decrease of guaranty.* The amount of the guaranty shall decrease pro rata with any decrease in the amount of the unpaid principal of the loan, prior to the date the claim is submitted.

§ 36.4015 *Insurance coverage required.* (a) Buildings the value of which enter into the appraisal forming the basis for the loan guaranteed shall be insured against fire, and other hazards against which it is customary in the community to insure and in amount at least equal to the amount by which the loan exceeds the value of the encumbered land plus that of the improvements included in the appraisal but which are not subject to the hazards insured against; *Provided,* That upon a satisfactory showing at the time of application for guaranty that (1) it is impossible or impracticable to obtain such insurance because of location, prohibitive cost, or other good reason; (2) prudent lenders in such community customarily do not require such insurance, or some portion thereof, (amount or hazard) and (3) the lender submitting the application is willing to make the loan without insurance coverage on one or more of the buildings, or without certain coverage, or in a reduced amount, and subject to the provisions of paragraphs (b) and (c) of this section; the Administrator may at the time of approving the application waive all or part of such insurance requirements, subject to the provisions of said paragraphs (b) and (c) of this section. No waiver will be granted on the basis of premium cost in any case wherein the premium cost on an annual basis does not exceed $5.00 per $1000 of insurance against the hazard of fire, or $10.00 per $1000 for fire and all other hazards covered by the insurance. The procuring of insurance of the amount and coverage stated in the approved application shall constitute conclusive evidence of waiver by the Administrator of insurance in excess of the amount stated in or in connection with the application and also all hazards not mentioned therein as hazards to be covered.

The creditor shall require that there be maintained in force such insurance of the coverage stated in the approved application in an amount not less than the amount stated or the amount of the unpaid indebtedness whichever is the lesser.

In the event insurance becomes unavailable the fact shall be reported to the Administrator for determination whether waiver shall be granted or loan declared in default.

(b) For the sole purpose of determining the amount payable upon a claim under the guaranty after an uninsured loss (partial or total) has been sustained, the unpaid balance of the loan (except as provided in paragraph (c) of this section) will be deemed to have been reduced by an amount equal to the amount of the uninsured loss, but in no event below an amount equal to the value of the land and other property remaining and subject to the mortgage.

(c) There shall be no reduction of the amount of the guaranty as provided in paragraph (b) of this section by reason of an uninsured loss which is uninsured (as to hazard or amount) by reason of a waiver by the Administrator as provided in paragraph (a) of this section.

(d) All insurance effected on the mortgaged property shall contain appropriate provisions for payment to the creditor, (or trustee, or other appropriate person for the benefit of the creditor), of any loss payable thereunder. If by reason of the creditor's failure to require such loss payable provision in the insurance policy payment is not made to the mortgagee the liability on the guaranty nevertheless shall be reduced as provided in paragraph (b) of this section with respect to an uninsured loss, except to the extent that the liability under the policy was discharged by restoring the damaged property, by the insurer, or out of payments thereunder to the insured, or otherwise. No waiver pursuant to paragraph (a) of this section shall modify this paragraph (d).

(e) Upon the creditor (or trustee or other person) collecting the proceeds of any insurance contract, or other sum from any source by reason of loss of or damage to the mortgaged property, he shall be obligated to account for same, by applying it on the indebtedness, or by restoring the property to the extent the expenditure of such proceeds will permit. As to any portion of such proretain for credit on such indebtedness ceeds the mortgagee is not entitled to or by reason of other legal right, he shall hold and be obligated to pay over the same as trustee for the United States and for the debtor, as their respective interest may appear.

(f) Nothing in these regulations shall operate to prevent the veteran from procuring acceptable insurance through any authorized insurance agent or broker he selects. In all cases the insurance carrier shall be one licensed to do such business in the State wherein the property is situated.

§ 36.4016 *Loan charges.* (a) In the case of a purchase of real or personal property by the veteran and a guaranty pursuant to the act and these regulations of an indebtedness representing part of the purchase price, there may be charged to the veteran and included in said note amounts actually paid or incurred by the seller (mortgagee) for such expenses and charges as are chargeable to such purchaser in accord with local custom, if the purchaser so agrees, such as fees for appraisals, credit and character report on the veteran, surveys, fees of purchaser's (not seller) attorney, recording fees for recording the deed and the mortgage only, premiums on fire and other hazard insurance that may be required in accordance with these regulations.

(b) In the case of a loan to the veteran, charges in accord with local custom, such as fees for appraisals, credit and character report, surveys, abstract, or title search, curative work and instruments, attorney fees, fees for tax certificates showing all taxes paid, premiums on fire and other hazard insurance that may be required in accordance with these regulations, revenue stamps, recording fees, etc., all limited to amounts actually paid or incurred by the lender, may be charged to the borrower and withheld from the gross amount of the loan.

(c) Any unreasonable charges shall be ground for denying an application for guaranty. No brokerage or other charges shall be made against the veteran for obtaining any loan guaranty under this title.

§ 36.4017 *Interest.* (a) The rate of interest chargeable on a loan guaranteed fully or in part, shall not exceed 4 per centum per annum on unpaid principal balances. Interest may be computed in accordance with standard amortization practices.

(b) The rate of interest on a secondary loan which is guaranteed pursuant to section 505 of the act may exceed by not more than 1% per annum the rate charged on the principal loan, but in no event shall the rate on the secondary loan exceed 4% per annum.

§ 36.4018 *Advances.* (a) Nothing herein shall prevent the creditor from making advances for the benefit of the mortgagor to pay taxes, assessments, and insurance premiums as they become due, and the cost of the emergency repairs needed to protect the property. The amount guaranteed by the Administrator shall be increased pro rata with all such increases in the unpaid principal balance of the loan; *Provided:* (1) That the annual interest rate on all advances shall not exceed 4 per centum per annum; (2) that the terms of repayment shall not extend the date of the amortization of the loan and (3) that the amount of the guaranty shall in no event exceed the original amount thereof, nor exceed the percentage of the indebtedness originally guaranteed.

(b) In the case of any advance made by a creditor to a debtor, the creditor with the consent of the debtor, may apply any and all payments made by the debtor for a period of twelve months to the liquidation of the advance without considering the original loan in default. This shall not be construed to extend the period of indulgence contemplated by §§ 36.4034 and 36.4035.

§ 36.4019 *Construction loans.* Under certain circumstances loans relating to

new construction may be guaranteed pursuant to the Act. (See § 36.4032)

GUARANTY BY THE ADMINISTRATOR

§ 36.4020 *Limits.* In no event will the aggregate obligations of the United States as guarantor under Title III exceed $2,000 in respect to one veteran, whether there be one or several loans, and whether some are obtained for the acquisition of a home, others for a farm, and others for business, or equipment, or other purposes. Repayment of a loan or loans in whole or in part, or transfer of the encumbered property does not modify or enlarge such limitation. The guaranty shall not at any time exceed 50 per centum of the aggregate of the indebtedness for any of the purposes specified in sections 501, 502 and 503 of the act.

§ 36.4021 *Second loan under section 505 (a).* Section 505 (a) of the act provides that when the principal loan for any of the purposes stated in sections 501, 502 or 503 is "approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations, and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof," the Administrator may guarantee the full amount of the second loan, *Provided:*

(a) It does not exceed 20 per centum of the purchase price or cost.

(b) The amount guaranteed together with all other guarantees under Title III for the same veteran does not exceed $2,000.

(c) The loan conforms to all other applicable requirements of these regulations.

§ 36.4022 *Two or more eligible veterans or borrowers.* (a) In the absence of a statement to the contrary, an application signed by two or more eligible veterans shall be conclusively presumed to be an application by each for the guaranty of an equal proportionate part of the entire amount to be guaranteed; *Provided, however,* That if husband and wife execute the application, both being eligible veterans, it will be conclusively presumed in the absence of a contrary statement in the application that it is an application for guaranty on behalf of the husband only. Unless the amount of guaranty then available to the husband is insufficient to meet the requirements of the case for guaranty of a proper amount under these regulations and the terms of the application; in which event the deficiency may be charged against the amount available to the wife, unless she has in the application or otherwise (before approval) stated in writing her unwillingness to be so charged.

(b) The Administrator will not require a wife to sign an application made by her husband. If she also is an eligible veteran and desires to exercise her right as such to obtain a guaranty, a separate application by her will be required. Signature of her husband to indicate his pro forma joinder will be required only when the wife is resident of, or the application is signed in, or the property to be encumbered is situated in, a State under the laws of which such contract cannot be legally executed by a married woman alone as in the case of an unmarried woman.

§ 36.4023 *Maximum liability where there are two or more veterans.* (a) For the purpose of determining the maximum amount of the potential liability of the United States under a guaranty incident to an obligation on which two or more eligible veterans who applied for the guaranty are liable, the obligation will be deemed a several, and not a joint, obligation of the respective applicants who were charged with the guaranty or a part thereof notwithstanding that as among the debtors or any of them, and as between them, or any of them, and the creditor, the obligation is in fact and law a joint obligation or a joint and several obligation.

(b) In no event will the amount of any veteran's debt thereunder be deemed to exceed for guaranty purposes the amount for which such veteran is legally liable to the holder of the obligation, nor the value of the interest of the veteran in the property. If more than one of the obligors is an eligible veteran and application by him or them is granted, the maximum aggregate amount of the guaranty will be the sum of the amounts available to each applying veteran but in no event will the aggregate of the guarantees for more than one veteran exceed 50 per centum of the total loan except as provided under section 505 of the Act.

(c) For the purpose of this § 36.4023 the wife of a principal obligor shall not be counted unless (1) she is legally liable on the obligation under the law of jurisdiction where she executed it, and (2) if she is a veteran she be properly chargeable with a part or all of the guaranty as provided in § 36.4022.

§ 36.4024 *Veteran's application.* (a) To apply for a guaranteed loan the veteran and the prospective lender shall complete and sign in duplicate Finance Form 1802, Application for a Home Loan Guaranty. The lender shall inquire of the nearest office of the Veterans Administration whether the proposed borrower is eligible and the amount of his available guaranty. This information will be supplied on Finance Form 1800, Certification of Eligibility. The Administrator will also supply the name and address of an approved appraiser to be used in the course of processing the application.

(b) Before forwarding the executed application the prospective lender shall procure a credit report on the borrower and an appraisal of the property by the appraiser designated. The appraiser's report shall include photographs necessary to reflect generally existing conditions, and in any event those specified in the application, or appraisal forms prescribed. They may be snapshots. (See instructions for appraisers.)

(c) If the proposed loan is for alteration or improvement purposes the appraisal report shall reflect an examination of the building contract, the plans and specifications, and include appropriate data sufficient to afford a basis for estimating the increased value of the property to result from completion of such improvements.

(d) In every case the appraiser's report shall indicate the basis, by survey or otherwise, of identifying the property appraised as that to be encumbered to secure the proposed loan.

(e) If (1) the loan does not exceed $500, (2) the lender does not require a mortgage, and (3) the loan otherwise complies with these regulations, the provisions of paragraphs (b), (c), and (d) of this section; paragraphs (d), (e), and (h) of § 36.4025; paragraphs (a), (c), and (d) of § 36.4030; subparagraphs (2) and (3) of paragraph (a) of § 36.4031; and paragraphs (c) and (e) of § 36.4032 shall be inapplicable to such loan and any guaranty thereof.

§ 36.4025 *Papers required.* The prospective lender shall submit to the agency the following papers:

(a) Certification of eligibility.

(b) Loan guaranty certificate.

(c) Original application for guaranty signed by prospective lender and borrower.

(d) The credit report.

(e) The appraisal report.

(f) Copy of the "conditional sales agreement" if the loan is to be predicated on such an instrument.

(g) Proposed loan closing statement of the estimated amounts to be disbursed by the lender for the account of the borrower.

(h) Unless stated in the mortgage, or otherwise in the papers submitted, a statement of the kinds and amounts of insurance to be required to protect the mortgagor, the lender and the Administrator against loss by fire and other hazards, and the estimated premium cost thereof. (See § 36.4015)

§ 36.4026 *Recommendation for approval of guaranty.* The Agency shall review the papers to determine whether it will recommend approval of the application for guaranty. Thereupon the Agency shall forward all the papers to the appropriate office of the Administrator with recommendation that (a) the Administrator approve the application, or (b) he disapprove it. If disapproval is recommended the reasons therefor shall be stated in writing at the time the papers are forwarded. A recommendation that the application be approved, shall be appropriately endorsed on the original of the application.

§ 36.4027 *Administrator's action on application.* (a) Upon receipt of the papers from the Agency, the Administrator will determine whether to approve the application. If disapproved he shall return to the proposed lender all papers except the original application for guaranty and shall state that the application for guaranty has been denied and the reasons therefor. He shall send a copy of the letter to the veteran and the Agency. Upon denial any expenses incurred by the lender or the borrower shall be borne by them or either of them as they shall have agreed.

(b) (1) The veteran and the proposed lender, or either, may appeal to the Ad-

ministrator for review of a denial of the application.

(2) Such appeal may be by letter, or on any prescribed form, and mailed or delivered to central office of the Veterans Administration within one month after receipt of notice of denial.

§ 36.4028 *Execution and form of guaranty.* If the Administrator approves the application he shall notify the Agency and the veteran thereof. For the purpose of evidencing the contract of guaranty, he shall execute a loan guaranty certificate, to become effective upon the conditions therein stated. It shall be in substantially the form following:

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

UNITED STATES OF AMERICA

LOAN GUARANTY CERTIFICATE

Issued by Veterans' Administration

State _____
(Where property is located)

Number L. H. _____
(To be filled in by Vets. Adm.)

_____
Lender
(Exactly as appears as payee of note)

_____
Address

_____
Borrower (Veteran)
(Exactly as to be signed on note and mortgage)

_____
Address

I

A. This certificate shall become effective when the requirements of the statute and regulations have been complied with and the acts certified in Part III hereof have been accomplished in compliance with said requirements.

B. When it becomes effective as hereinabove prescribed, this certificate shall obligate the United States of America to pay to the legal holder of the "note" described on the reverse hereof upon his duly filing claim therefor:—

1. All or such portion of the maximum amount hereby guaranteed as becomes payable upon the conditions, at the times stated in, and in accordance with the provisions of, the Servicemen's Readjustment Act of 1944, (38 U. S. Code 693; 58 Stat. 284), and the regulations issued pursuant thereto which are in effect on the date of this Certificate. In no event will the obligation under this Certificate exceed $2,000. Subject to the foregoing this guaranty on this date is for $_____, being ____ per centum of the face amount of said note, and in no event will it exceed said sum or percentage.

2. At the expiration of one year from the date of the "note", an amount equal to the interest for one year at the contract rate on that portion of the indebtedness ("note") originally guaranteed hereby, such payment to be credited on the indebtedness as prescribed by said regulations.

C. Executed on behalf of the United States of America by the Administrator of Veterans Affairs, through the undersigned authorized agent on this date, to become effective in the manner hereinabove prescribed.

Date _____

ADMINISTRATOR OF VETERANS AFFAIRS,

By: _____
(Authorized Agent)

At: _____
(Post Office)

II

Description of property to be "Mortgaged"

Type lot and block number, if any, or field notes and any other proper language to complete legal description. Include description of personal property if any.

Premises identified as:

_____
(House Number and Street)

_____
(City, Town, Village)

_____
(County, Parish)

_____
(State, District, Territory)

and further described as:

(Continue legal description if necessary in the space below)

III

CERTIFICATION BY BORROWER AND LENDER

A. We hereby warrant that (1) the undersigned borrower named on the reverse hereof executed the note, the principal sum of which is $_____; (2) it is dated the _____ day of _____ 19____; (3) borrower(s) and mortgagor(s) delivered it together with the "mortgage" (as defined in the regulations) bearing the same date, and executed to secure payment of said note; (4) said note and mortgage are those approved by the Administrator of Veterans Affairs upon application of the undersigned pursuant to which this loan guaranty certificate was issued; and (5) the amount stated above has been paid to, or according to the directions of, the undersigned borrower(s).

B. The undersigned lender warrants that (1) the same "mortgage", duly executed and acknowledged; was properly filed for record on the _____ day of _____ 19____; at _____ ____M; and was given file No. _____ by the Recorder; (2) that it covers the property described on the reverse hereof, which is the same property described, or otherwise identified, or referred to, in the above-mentioned application for guaranty, and in this loan guaranty certificate; and (3) that no lien superior to said "mortgage" has intervened since the date of said application.

(If a corporation)

_____
(Secretary)

Mr.
Mrs.
Miss _____
(Lender(s))

By: _____
Title—(President, Vice-President, etc.)

Mr.
Mrs.
Miss _____

Mr.
Mrs.
Miss _____
(Borrower(s))

_____
(Sign in ink on these lines)

If the note is unsecured but is eligible for guaranty under the regulations, references to "mortgage" in paragraphs "A" and "B" above are inapplicable. (See Regulations sec. 4008, par. 1)

§ 36.4029 *Disposition of papers.* The original application for guaranty will be retained in the files of the Veterans' Administration. The loan guaranty certificate and all other papers will be forwarded to the proposed lender with instructions as to closing the loan in a manner to make the guaranty effective.

§ 36.4030 *Loan procedure after approval of guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by title certificate, as defined in these regulations, as to the title to the property to be encumbered.

(b) Cause all necessary instruments to be properly signed and those to be recorded properly witnessed, acknowledged or proved so as to entitle them to recordation.

(c) Disburse all funds in substantial accord with the proposed loan closing statement submitted with the application. (See § 36.4025 (g))

(d) File with the proper public official for record the mortgage and any other appropriate instrument which under the law of the State is required or permitted to be recorded.

§ 36.4031 *Guaranty when effective.* (a) Within two months after closing the loan and filing the proper instrument for record, the lender shall complete and forward to the Administrator (using prescribed form, if available) a properly signed report of closing the loan stating that:

(1) The disbursement of the amount named as the principal of the note has been completed by the lender.

(2) Such disbursements were as estimated on the loan closing statement submitted with the application, except as otherwise stated on the reverse side of the report of closing loan. (See §§ 36.4016 (a) and 36.4025 (g))

(3) The note and the mortgage (or other security instrument) were properly executed stating the date, and the latter "was duly acknowledged, witnessed, or proved, to that it was legally eligible for recording; the date and hour and county in which it was properly filed for record; and the filing number thereof."

(4) The note was dated, (stating the date thereon), and signed by the "debtor", and the rate of interest provided therein.

(5) The loan guaranty certificate (stating its L-number) was completed, and appropriately signed by the lender and the borrower as therein provided.

(b) If lender is a corporation its corporate seal shall be impressed on such report.

§ 36.4032 *Construction loans.* (a) Upon the submission to an agency of an application made pursuant to section 501 (a) of the act for the guaranty of a loan for the construction of a dwelling on unimproved property owned by the veteran, or under section 501 (b) for construction involving alterations or improvements, the guaranty will be issued to become effective only upon comple-

tion of the construction project, and upon fulfillment of the same requirements of these regulations as are applicable to the guaranty of loans for the acquisition of homes other than by construction.

(b) Notwithstanding the provisions of paragraph (a) hereof, the guaranty mentioned therein may become effective without the entire amount of the loan having been disbursed if:

(1) Complete disbursement is prevented, in the exercise of ordinary care, by reason of the filing of mechanic liens or other liens, or other controversy or threat of litigation, as to entitlement to any part of the proceeds of such loan; and

(2) There is paid to an Escrow Agent approved by the Administrator so much of such proceeds as have not been disbursed, or other arrangements satisfactory to the Administrator have been made for assuring the availability of such sums; and

(3) There is issued by the Administrator Finance Form 1810, Approval of Escrow Certificate, which may be attached to the loan guarantee certificate.

(c) For construction loans the lender will follow the procedure provided in §§ 36.4024–36.4031 for the guaranty of loans for the purchase of residential property and in addition will furnish to the Agency:

(1) Complete plans and specifications for the proposed construction.

(2) An estimate, prepared by a qualified appraiser, of the fair market value of the property on which the improvements will be situated together with a separate estimate of the increased value of the property which will result from the improvements according to the plans and specifications. Such estimates of value are in addition to the appraiser's report of the "reasonable normal value".

(3) A copy of the agreement or agreements (which may be unsigned) on which the proceeds of the proposed loan will be disbursed.

(d) Upon the receipt of such papers the Agency will follow the procedure prescribed in § 36.4026 and submit same to the Administrator for action under §§ 36.4027 and 36.4028.

(e) The loan guaranty certificates shall contain a condition precedent to its becoming effective additional to those set forth in § 36.4030 such condition being the supplying to the Administrator of a statement by an appraiser on Finance Form 1803 (a), Statement by Appraiser on Completion of New Construction, which document must be supplied in addition to those specified in § 36.4031. It shall state that:

(1) He has inspected the building as constructed;

(2) The same has been constructed and completed in substantial conformity with the contract, plans and specifications, (if any);

(3) The increased value of the property as completed and which will be encumbered is substantially in accord with his estimate.

(f) During the course of construction the Administrator shall be entitled at his expense, to cause such inspection of the construction work at such time or times as he may determine.

(g) Upon compliance with the requirements of this section and of §§ 36.4030 and 36.4031 relating to the guaranty becoming effective in other than construction loan cases, said Loan Guaranty Certificate shall become effective.

(h) The borrower and lender may contract for the payment to the lender of a reasonable sum for the advance of funds during the construction and the supervision or inspection of the construction.

§ 36.4033 *Losses which are not guaranteed.* The guaranty shall not cover any loss sustained by the creditor as the result of:

(a) The acceptance by the mortgagee of a mortgage on any property, title to which is not merchantable according to customary practices in the community where the property is situated;

(b) Failure of the mortgagee to procure a duly recorded lien of the dignity required by these regulations;

(c) Failure of the mortgagee to comply with § 36.4015 with respect to insurance, or

(d) A tax sale pursuant to execution, or otherwise as provided by law, occasioned by nonpayment of taxes accruing against the mortgaged property after the date of the mortgage if mortgagee fails to give notice to the Administrator of the delinquent taxes at least one month before such sale.

CLAIMS UNDER A GUARANTY

§ 36.4034 *Default.* (a) In the event of default, not cured, continuing three months on an amortized loan or one month on a term loan the creditor may elect to assert claim under the guaranty, and give notice thereof to the Administrator.

(b) If any default occasioned by failure seasonably to pay to the creditor entitled any amount of principal or interest due him under the contract (not cured) shall have persisted as long as six months the holder of the indebtedness shall give notice thereof to the Administrator notwithstanding the failure results from payments on advances as provided in § 36.4018, or from any indulgences of the debtor as provided in § 36.4041.

(c) (1) The notice shall state the loan guaranty number if available. If not available other identifying data shall be included, such as date and amount of original obligation, location of Veterans Administration office that issued the guaranty and the property encumbered.

(2) In all cases the notice shall state the name and last known address of the debtor, of the veteran, and of the creditor, and the date and manner of default, and amount past due. If he desires, the creditor may also state his views as to any indulgence that should be extended.

(3) The notice to the Administrator shall be mailed by registered mail or personally delivered in exchange for a written receipt within one month after the expiration of said 6 months' period.

§ 36.4035 *Claim on notice of default.* (a) In the notice of default or separately, then, or later, the creditor may make claim under the guaranty.

(b) Then or thereafter the creditor may also give notice of his intention to foreclose the lien or liens securing the indebtedness.

(c) The Administrator may approve the creditor's request, if any, to postpone action to press his claim against the mortgagor, or the property, such postponement, with the consent of the Administrator, shall not operate to void or diminish the ultimate liability under the guaranty. In no event shall indulgence or postponement of action authorized by these regulations impair any right of the creditor to thereafter proceed within the applicable statute of limitations period as if there had been no indulgence or postponement.

§ 36.4036 *Legal action.* (a) The creditor shall not begin action in court, or give notice of sale under a power of sale, until the expiration of 30 days after receipt by the Administrator of the notice of intention to foreclose. Notwithstanding paragraph (a) of § 36.4034 such notice may be given at any time after a default.

(b) (1) If the circumstances require immediate action to protect the interest of the creditor or the Administrator, the Administrator may waive the requirement for prior notice if notice of the action taken is immediately given.

(2) Without limiting the foregoing, the existence of conditions justifying the appointment of a Receiver for the property shall be sufficient excuse for beginning suit without prior notice to the Administrator if within ten days after commencement of the suit or action, plaintiff gives the Administrator notice thereof.

§ 36.4037 *Notice of suit and subsequent sale.* (a) Within ten days after beginning suit or causing notice of sale without suit to be given, the creditor shall notify the Administrator thereof by registered mail or personal delivery in exchange for written receipt. It shall state whether the foreclosure will be by proceeding in court, or under a power of sale; the style and number of the suit, if any, and the name and location of the court in which pending.

(b) The creditor shall give written notice to the Administrator by registered mail (or delivery) of any foreclosure sale, judicial, or under a power of sale; or of any proposed termination of the rights of any vendee or his immediate or remote grantee (assignee) pursuant to any power or option in a sales contract, or in any other instrument affecting the property which constitutes any security for the obligation guaranteed. Such notice shall be given so that it is received at least thirty days before such sale or other proposed action. It shall state the date, hour and place thereof. The Administrator may bid thereat on the same terms as the lender or other bidders, and may exercise any right the debtor could exercise by virtue of the contract, or any statute, or otherwise. This section is applicable whether the

suit, or the sale, or termination, occur before or after payment of the guaranty.

§ 36.4038 *Death of veteran.* (a) In the event the creditor has knowledge of the death of the veteran, or of any owner of an interest in the encumbered property, or the death of any other person liable on the indebtedness which is guaranteed in whole or in part, the creditor shall take such steps, if any, as are legally necessary, and reasonably available, in the jurisdiction where the encumbered property is situated, to avoid loss of the lien, or impairment thereof, or of all or part of the proceeds of any sale of the property as a result of, or incident to, such death, or of any probate proceedings thereby occasioned in said jurisdiction.

(b) In addition to protecting the lien rights as required by paragraph (a) of this section, the creditor at his discretion may proceed in probate, or otherwise, as may be permissible and feasible, in any jurisdiction where administration proceedings are pending or properly may be instituted, or other appropriate legal action taken against assets or persons, to assert any rights, by means of any remedies, therein available to a similarly situated creditor or the decedent.

(c) Upon direction of the Administrator and his designation of an accessible attorney for the purpose, and making appropriate provisions for advancing or paying the costs and expenses of the proceeding, the creditor shall proceed as provided in paragraph (b) of this section: *Provided, however,* That in any case the Administrator may, at his option, proceed immediately in respect to protecting the lien, or asserting claim as contemplated by paragraph (b) of this section, or as to both remedies. If the Administrator takes action, it may be in his name or the name of the creditor as the Administrator may elect and as may be appropriate under applicable law. If action is taken by the Administrator he shall seasonably notify the creditor thereof.

(d) Nothing in this section shall impair any right of set-off or other right or remedy of the Administrator.

§ 36.4039 *Death or insolvency of creditor.* (a) Immediately upon the death of the creditor and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a "trust", or "deposit", or other account to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been accredited on the note shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that date will be reduced by the amount of such credit balance: *Provided, however,* That any unpaid taxes, insurance premiums, ground rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This section shall be applicable whether the estate of the deceased creditor is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of creditor;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the creditor, whether voluntary or involuntary;

(3) Appointment of a general or ancillary receiver for the creditor's property; or, in any case

(4) Upon the written request of the debtor if all secured and due insurance premiums, taxes, and ground rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraphs (a) or (b) of this section interest on the note and on the credit balance of the "deposits" mentioned in paragraph (a) shall be set-off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid "advances," if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b) and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture, or otherwise shall be treated as is the death of an individual as provided in paragraph (a).

§ 36.4040 *Filing claim under guaranty.* Claim under the guaranty may be made on Finance Form 1805, Claim under the Guaranty. Subject to the limitation that the total amount payable under the guaranty shall in no event exceed the original amount thereof, the amount payable under the guaranty shall be the percentage of the indebtedness originally guaranteed applied to the indebtedness (as defined in § 36.4000 (a)), computed as of the date of the claim, and reduced by any payments theretofore made by the United States pursuant to the guaranty.

§ 36.4041 *Options available to Administrator.* Upon receipt of claim under the guaranty the Administrator shall have the following options:

(a) Pay to the creditor not later than one month after receipt of notice of any default, as a partial payment of any actual or potential claim under the guaranty, the amount of principal, interest, taxes, advances, or other items in default; and in consideration of such payment the lender shall be deemed to have agreed to refrain from giving effect to any acceleration provisions by reason of defaults prior to the date of notice of default theretofore given: *Provided, however,* That unless the creditor consents, the Administrator may exercise this option once only, and in an amount not exceeding an amount equivalent to the aggregate of principal and interest payable in one year, or not exceeding ten per centum of the original amount of the guaranty, whichever sum is less.

(b) Pay the creditor within one month after receipt of claim the full amount payable under the guaranty without requiring foreclosure, or personal action.

(c) Pay to the creditor promptly after receipt of claim any amount agreed upon, not exceeding the amount due under the guaranty; and notify him to institute appropriate foreclosure proceedings, with, or without, legal action to reduce the debt to judgment, against all or any of the parties liable thereon, and whose names are stated in such notice to the creditor.

(d) If the creditor does not begin appropriate action within two months after receipt of notice to institute action as provided in paragraph (c) above, the Administrator shall be entitled to begin and prosecute the same to completion in the name of the creditor, or of the Administrator on behalf of the United States, as may be appropriate under applicable laws and rules of procedure: *Provided, however,* That in such event the Administrator shall pay (in advance if required under the practice in the jurisdiction) all court costs, and other expenses, and provide the legal services required.

§ 36.4042 *Refinancing and extension of guaranty.* (a) When the Administrator shall have received notice from the creditor that he intends to institute foreclosure proceedings, the Administrator shall be entitled to obtain a refinancing which will prevent the consummation of the foreclosure sale. Nothing herein shall be construed to require a creditor to lend money for such refinancing.

(b) If refinanced in any manner the Administrator may continue in effect the guaranty granted with respect to the previous loan in such manner as to cover the loan which effected the refinancing.

(c) The Administrator in appropriate cases shall be entitled to exercise any redemption rights of a debtor, or a creditor, in connection with the loan guaranteed, or property rights arising out of, or incident to, such loan,

§ 36.4043 *Subrogation.* (a) Any amounts paid to the creditor by the Administrator pursuant to the guaranty shall constitute a debt due to the United States by the veteran on whose application the guaranty was made; and by his estate upon his death. The Administrator is subrogated to the contract and the lien rights of the creditor to the extent of such payments, but junior to the creditor's rights as against the debtor or the encumbered property, until the creditor shall have received the full amount payable under his contract with the debtor. No partial or complete release by the creditor of the debtor or of the lien shall impair any rights of the Administrator, by virtue of the lien, or otherwise.

(b) The creditor, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

§ 36.4044 *Future action against mortgagor.* In addition to the amount, if any, collected from the proceeds of the encumbered property by reason of the right of subrogation, the United States

will collect from the veteran, or his estate, by set-off against any amounts otherwise payable to the veteran or his estate; or in any other lawful manner, any sums disbursed by the United States on account of the claim pursuant to the guaranty.

§ 36.4045 *Suit by administrator.* (a) Whenever pursuant to these regulations, the Administrator institutes, or causes to be instituted by the creditor, or otherwise, any suit in equity; action at law; or probate proceedings or the filing of a claim in such; or other legal or equitable proceedings of any character, or any sale, in court or pursuant to any power of sale, the person or persons properly instituting the same (including the Administrator), shall be entitled to recoup from any proceeds realized therefrom any expenses reasonably incurred, including trustee fees, court costs, and attorney fee paid (or the reasonable value of the services of the trustee and of the attorney, if performed by salaried person or persons, or by the party himself, when proper).

(b) The net proceeds, after setting off such items that may properly be recouped, shall be credited to the indebtedness, or otherwise as may be proper under the facts.

(c) In determining the propriety of recoupment and the amount thereof consideration shall be given to any provisions in the note or mortgage relating to such items, and any amounts actually realized pursuant thereto.

§ 36.4046 *Creditor's records and reports required.* (a) The creditor shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any creditor who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such creditor; not on the debtor, or the United States.

(b) On any delinquent loan the creditor shall report annually on the anniversary of the earliest unremedied default any amount received or disbursed, the unpaid balance of principal and accrued interest and any other items chargeable; and the nature of any defaults not already reported. He shall include such additional information, if reasonably necessary and obtainable, which may, from time to time be requested by the Administrator.

(c) A proposed lender may be required to submit evidence satisfactory to the Administrator of his equipment for maintenance of adequate records on, and his ability to service, loans if guaranteed pursuant to the provisions of the act and these regulations.

§ 36.4047 *Failure to supply information.* Failure to supply any available information required by these regulations within two months after request therefor will entitle the Administrator to obtain such information otherwise, and the expense of so obtaining it, plus ten dollars to cover estimated overhead expenses, shall be chargeable to the creditor who failed to comply with such request.

§ 36.4048 *Notice to administrator.* Any notice required by these regulations to be given the Administrator shall be sufficient if in writing, and delivered at, or mailed to, the Veterans Administration office at which the application for guaranty was approved or to any changed address of which the creditor has been given notice or, at the option of the creditor, to the central office of the Veterans Administration, Washington 25, D. C. If mailed the notice shall be by registered mail when so provided by these regulations.

§ 36.4049 *Right to inspect books.* The Administrator has the right to inspect, at a reasonable time and place the papers and records pertaining to the loan and guaranty. If permission to inspect is declined the Administrator may enforce the right by subpoena under the provisions of Title III, Public No. 844, 74th Congress, 49 Stat. 2031–35, 38 U.S.C. 131, or in any other lawful manner.

[SEAL] FRANK T. HINES,
Administrator of Veterans Affairs.

[F. R. Doc. 44–16112; Filed, Oct. 19, 1944; 10:19 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 248]

FORT PECK RESERVATION, MONTANA

TRANSFERENCE OF JURISDICTION OVER CERTAIN LANDS FROM SECRETARY OF AGRICULTURE TO SECRETARY OF INTERIOR

Modification of Executive Order No. 8055 dated February 23, 1939, transferring jurisdiction over certain lands on the Fort Peck Reservation, Montana, from the Secretary of Agriculture to the Secretary of the Interior.

Whereas, by Executive Order No. 8055, dated February 23, 1939, jurisdiction over 2,565 acres of land on the Fort Peck Indian Reservation, Montana, acquired under authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 200), in connection with the Milk River (LA–MT2) Land Utilization Project of the Department of Agriculture, was transferred from the Secretary of Agriculture to the Secretary of the Interior, and

Whereas, 320 acres described as the W½ of section 33, township 32 north, range 43 east, Montana Meridian, purchased in connection with the said Milk River Project, was inadvertently omitted from Executive Order No. 8055.

Now, therefore, by virtue of authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, Executive Order No. 8055, dated February 23, 1939, is hereby modified so as to include under the provisions thereof 320 acres of land described as the W½ of section 33, township 32 north, range 43 east, Montana Meridian.

ABE FORTAS,
Acting Secretary of the Interior.

OCTOBER 10, 1944.

[F. R. Doc. 44–16110; Filed, Oct. 19, 1944; 9:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 112, Amdt. 1]

PART 95—CAR SERVICE

DESTINATION FREE TIME ON FRESH OR GREEN FRUITS OR VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of October, A. D. 1944.

Upon further consideration of Revised Service Order No. 112 (9 F.R. 11278–79) of September 11, 1944, and good cause appearing therefor:

It is ordered, That:

Paragraph (b) of Revised Service Order No. 112 (9 F.R. 11278–79) of September 11, 1944, be, and it is hereby, amended to read as follows:

(b) The free time allowed at destination on any refrigerator car loaded with fresh or green fruits or vegetables as defined in Service Order No. 70, as amended, shall be as follows:

(1) No free time (except as otherwise provided in paragraph (iii) hereof) shall be allowed when car is held for ordering from one location to another location within the switching limits of the same city or town or when held for surrender of bill of lading, advise order, or payment of lawful charges prior to delivery to a connecting line for final delivery in the same switching district.

(i) Demurrage detention on the first such transaction shall be computed from the first 7:00 a. m., after notice of arrival is sent or given to the consignee or party entitled to receive it, when car is held on hold, inspection or public delivery track or from the first 7:00 a. m. after actual or constructive placement when for delivery on an other-than-public delivery track, until order to move car to another location within the switching limits of the same city or town is received by an agent of the railroad holding the car.

(ii) Demurrage detention on each subsequent transaction within the

switching limits of the same city or town prior to an unloading transaction (see paragraph (2)), shall be computed from the first 7:00 a. m., following actual placement on hold, inspection or public delivery track, or actual or constructive placement on an other-than-public delivery track, to which it has been ordered, until order to move the car to another location within the switching limits of the same city or town is received by an agent of the railroad holding the car.

(iii) When the total period of detention from the first 7:00 a. m. after notice of arrival is sent or given to the consignee or party entitled to receive it, until the car is unloaded and released is 48 hours or less, no demurrage charges shall accrue. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 7:00 a. m., October 19, 1944; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–16095; Filed, Oct. 18, 1944; 3:54 p. m.]

[S. O. 246]

PART 95—CAR SERVICE

DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of October, A. D. 1944.

It appearing that demurrage charges are not being assessed for detention to closed box cars used for transporting commodities intraterminal by the State Belt Railroad of California; that such cars are being delayed unduly, resulting in a diminution of utilization of such cars; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered that:

(a) *Demurrage charges to be applied on closed box cars engaged in intraterminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in paragraph (a) (2) to any closed box car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in Districts A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(2) After the expiration of forty-eight (48) hours' free time after a closed box car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours' free time after a closed box car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be $2.20 per car per day or fraction thereof for the first two (2) days; $5.50 per car per day or fraction thereof for the third day; $11 per car per day or fraction thereof for the fourth day; and $16.50 per car per day or fraction thereof for each succeeding day.

(b) *Application.* (1) The provisions of this order shall apply to intrastate as well as interstate traffic.

(2) On and after the effective date of this order the provisions of this order shall apply to detention of any closed box car held for either loading or unloading. The number of days such car has been held prior to the effective date of this order shall determine the charges applicable on that car on the first full demurrage day and all subsequent demurrage days occurring after the effective date of this order.

(3) *Closed box cars.* This order shall apply only to closed box cars having a mechanical designation prefixed by "X" or "V" in the current Official Railway Equipment Register.

(4) After a closed box car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

(c) *Expiration.* This order shall expire at 7:00 a. m., November 19, 1944. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, that this order shall become effective at 7:00 a, m., October 19, 1944, and that a copy of this order and direction shall be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–16096; Filed, Oct. 18, 1944; 3:54 p. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. IT–5920]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION

OCTOBER 18, 1944.

Notice is hereby given that on October 9, 1944, The Washington Water Power Company, of Spokane, Washington, filed an application pursuant to Executive Order No. 8202, dated July 13, 1939, and the Federal Power Commission's Orders Nos. 67 and 115, dated November 3, 1939 and December 28, 1943, respectively, for a Presidential Permit for the construction, operation, maintenance, and connection of facilities at the boundary of the United States and Canada from a point in Metaline Falls, Washington, for the importation of electric energy from Canada to the United States.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 31, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44–16109; Filed, Oct. 19, 1944; 9:45 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC–42]

CANNED OYSTERS; STANDARDS OF FILL OF CONTAINER

PROPOSED REGULATION

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1046, 1047, and 1055, 21 U. S. C. secs. 341, 343 (h) (2) and 371; the Reorganization Act of 1939, 53 Stat. 561 ff., 5 U. S. C. sec. 133–133v, and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record at the hearing duly held pursuant to notice issued on July 20, 1944 (9 F.R. 8192) the following order be made.

Findings of fact.[1] 1. On May 27, 1912 the Secretary of Agriculture, to facilitate the enforcement of the Food and Drugs Act of 1906, issued an announcement known as Food Inspection Decision 144

[1] The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made, but on consideration of all the evidence in the record.

with regard to fill of containers for canned foods. This announcement was general in terms and pertinent provisions stated in substance that in canned food products the can serves not only as a container but also as an index to the quantity of food therein; that the can should be as full of food as practicable for packing and processing without injuring the quality or appearance of contents; and that when food is packed with water, brine, etc. the can should be as full of the food as practicable and should contain only sufficient liquid to fill the interstices and cover the product. (R. 14–16).

2. On February 19, 1914, after extended investigation the Bureau of Chemistry of the Department of Agriculture, which had charge of the administration of the Food and Drugs Act of 1906, issued a Service and Regulatory Announcement designated S. R. A., Chemistry 1. This announcement contained among other provisions the following:

3. Weights of oyster meat required in cans of various sizes.

This notice is issued to inform the trade that pending further investigation the weights agreed upon by the canners at their meeting in Washington in October, 1912, will be regarded by the board as satisfactorily fulfilling the requirements of Food Inspection Decision No. 144. It is expected, however, that the "cut-out" weight of all cans shall conform with this agreement, and where a variation occurs it shall be as often above as below the agreed weight. The weights which have been agreed upon are given below.

Size of can		Weight of drained oysters "cut-out"
Diameter	Height	
Inches	*Inches*	*Ounces*
2 1/16	2 3/4	3
2 1/16	3 9/16	4
2 1/16	4	5
3 3/4	3 15/16	8
3 3/8	4 9/16	10

(R. 16–17).

3. The drained weights prescribed by this announcement are from 42% to 49% of the estimated water capacity of the respective cans. (R. 18–19).

4. Cans of oysters filled to the minima prescribed by the announcement are only about two-thirds full of oysters. When so filled the cans contained a smaller quantity of oysters than consumers expect from the size of the container. This percentage of fill is much below that found in other canned foods generally. (R. 19–21, 111–112).

5. Prior to 1928 all oyster canneries in this country were located along the Atlantic coast and the Gulf coast. In 1928 oyster canning was begun on the Pacific coast. At present oyster canneries are situated principally on the South Atlantic and Gulf coasts and the Northwest Pacific coast. (R. 30, 143–144, 176–177).

6. The oysters canned on the Atlantic coast and Gulf coast are for practical purposes the same type but those canned on the Pacific coast are of different species, and are considerably larger in size. (R. 32, 144, 147, 215, Exh. 15).

7. After the shell oysters are delivered to the cannery it is the practice of some canneries to wash them. The procedure in all canneries thereafter is essentially the same. The oysters are placed in baskets or cars and then in a retort or steam box and steamed (or pre-cooked, as it is sometimes called). After steaming they are shucked, washed, and drained, sometimes graded, and filled into the cans by hand. Each can is filled with a predetermined weight of oysters, brine or water and a salt tablet are added, and the cans are sealed by machine and then processed by heat to prevent spoilage of the product. (R. 32, 123–128, 145–146, 217).

8. The steaming causes the shells to open and thus permit easy shucking, at the same time the oyster meat loses liquid and shrinks in both size and weight. Until the maximum shrinkage is reached increased time or temperature of steaming increases the shrinkage. The time and temperature of steaming varies in different canneries and at different times in the same cannery, depending on a number of factors such as the amount of shrinkage the canner desires and the difference of composition of the oysters. (R. 77, 124–125, 158, 206–207).

9. In general Pacific coast canneries do not steam to the same extent as Atlantic and Gulf canneries. In Atlantic and Gulf packed oysters there is usually a slight gain in weight during processing in the can, whereas in Pacific packed oysters a considerable part of the total shrinkage takes place in the processing with a consequent loss of weight. (R. 32, 44, 76, 124–125, 145–147, 206–207, 216, Exhs. 6A–6D, 9A–9B, 15).

10. Considerable experimental work has been done in recent years by the Food and Drug Administration on Atlantic coast and Gulf coast canned oysters for the purpose of establishing a fill of container standard. Very little experimental work has been done by the Administration on Pacific coast canned oysters, the principal reason being that none have been packed there since 1942. (R. 30–31, 51, 114).

11. It is entirely practicable under existing cannery practices for canneries on the Atlantic coast and Gulf coast to pack oysters so that the drained weight of oysters taken from each can will be at least 68% of the water capacity of the container. Such a fill can be met in commercial practice without unreasonable difficulty and without damage to the product. When so packed the cans are reasonably full of oysters and such a fill would protect consumers from slack filling of the containers. (R. 13–14, 21, 62–63, 75–77, 86–87, 95, 107–109, 111–112, 130, 136, Exhs. 6A–6D, 7, 8, 9A–9B, 10, 11, 12A–12G, 13, 14).

12. Pacific coast canners have not packed oysters commercially since 1942. They have in the past packed oysters in only two different size cans, to wit, the No. 1 can, so-called, the dimensions of which are 2 1/16 inches in diameter and 4 inches in height and which has a water capacity of 10.9 ounces avoirdupois; the No. 1 tall salmon can, so-called, the dimensions of which are 3 1/16 inches in diameter and 4 1/16 inches in height and which has a water capacity of 16.6 ounces avoirdupois. It has been the practice of Pacific coast oyster canners to pack the No. 1 can to give a drained weight of 5 ounces and to pack the No. 1 tall salmon can to give a drained weight of 8 ounces. There are usually from 4 to 8 oysters in the No. 1 can, the maximum number being 10, to give the 5 ounce drained weight. There are usually from 7 to 13 oysters in the No. 1 tall salmon can, the maximum number being 15, to give the drained weight of 8 ounces. The average drained weight per oyster of Pacific coast canned oysters is at least ½ ounce and is usually more. (R. 18, 118, 143, 147, 152, 163, 172, 176, 193, 197–199, 208–210, Exh. 3).

13. Atlantic coast and Gulf coast canned oysters vary in size, their drained weight averaging from about 4 oysters per ounce to about 13 oysters per ounce. (R. 107, Exh. 14).

14. Standards of fill of container for canned oysters in terms of percentage of water capacity of containers are generally more satisfactory than in terms of ounces per can of each size, because they would encompass any size of can, including sizes not often used. (R. 110–111).

15. A satisfactory and accurate method of determining the drained weight of canned oysters is as follows:

Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters. (R. 96–98, 102, 112–113, Exh. 14).

16. A satisfactory and accurate method for determining water capacity of containers is set forth in § 10.1 (a) of Title 21, Code of Federal Regulations, Cumulative Supplement. (R. 102–106, Exh. 2A).

17. When canned oysters fall below the standard of fill of container a label statement which is satisfactory and which fairly and accurately informs the consumer of that fact is the general statement of substandard fill specified in § 10.2 (b) of Title 21, Code of Federal Regulations, Cumulative Supplement, followed by the statement: "A can of this size should contain — oz. of oysters. This can contains only — oz.," the blank

spaces being filled in with the applicable figures. (R. 22–24, 38–39, Exh. 2).

Conclusions. 1. There is insufficient evidence in this record to warrant the finding of facts on which to base a standard of fill of container when drained weight of oysters in a particular can averages ½ ounce or more per oyster.

2. Promulgation of the regulation hereinafter prescribed, fixing and establishing a standard of fill of container for canned oysters, will promote honesty and fair dealing in the interest of consumers.

Wherefore, the following regulation is hereby promulgated:

§ 36.6 *Canned oysters; fill of container; label statement of substandard fill.* (a) The standard of fill of containers for canned oysters when the drained weight of the oysters in the can after processing averages less than ½ avoirdupois ounce per oyster is a fill such that the drained weight of oysters taken from each container is not less than 68 percent of the water capacity of the container.

(b) For the purposes of this section canned oysters means oysters packed into containers which are then sealed and processed by heat to prevent spoilage.

(c) Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter (21 CFR, Cum. Supp., 10.1).

(d) Drained weight is determined by the following method:

Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)," in Table I of "Standard Specifications for Sieves," published March 1, 1940 in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(e) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter (21 CFR, Cum. Supp.), in the manner and form therein specified, followed by the statement, "A can of this size should contain ____ oz. of oysters. This can contains only ____ oz.," the blanks being filled in with the applicable figures.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 4148 South Building, 12th Street and Independence Avenue, Southwest, Washington 25, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: October 17, 1944.

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 44–16120; Filed, Oct. 19, 1944; 11:13 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 175–A]

ROUTING OF TRAFFIC REQUIRING LIGHTERAGE DELIVERY IN NEW YORK HARBOR

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of October, A. D. 1944.

Upon further consideration of Service Order No. 175 (9 F.R. 460) of January 8, 1944, and good cause appearing therefor:

It is ordered, That:

(a) Service Order No. 175 (9 F.R. 460) of January 8, 1944, ordering the routing of 12 cars of floating cranes requiring lighterage delivery in New York Harbor, be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)–(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., October 20, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44–16093; Filed, Oct. 18, 1944; 3:54 p. m.]

[2d Rev. S. O. 224, 2d Amended Gen. Permit 6]

ICING OF FRUITS AND VEGETABLES

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph of Second Revised Service Order No. 224 of August 24, 1944 (9 F.R. 10429) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

Except as shown below, to disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the initial icing or reicing of all refrigerator cars loaded with fruits or vegetables, as defined therein:

Exception: This general permit shall not apply to the first or initial icing or the reicing of refrigerator cars loaded with potatoes originating at points located in Idaho Groups B or C, or in Oregon Group B, as defined in Items 1013 and 1043, respectively, of Perishable Protective Tariff No. 13, Agent J. J. Quinn's I. C. C. No. 22.

Exception: This general permit shall not apply to the first or initial icing of refrigerator cars loaded with apples or pears originating at points on the Great Northern Railway in the State of Washington, nor to the reicing of such cars at stations on the Great Northern Railway in the States of Washington, Montana, North Dakota or South Dakota.

This general permit shall become effective at 6:00 p. m., October 16, 1944, and shall apply to cars billed or moving on and after that date.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44–16094; Filed, Oct. 18, 1944; 3:54 p. m.]

[S. O. 70–A, Special Permit 588]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70–A insofar as it applies to the reconsignment at Chicago, Illinois, October 16, 1944, by Bacon Brothers, of car FGE 35035, potatoes, now on the Wood Street Ter-

minal, to Bemo Company, Kalamazoo, Michigan (M. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-16113; Filed, Oct. 19, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 589]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the roconsignment at Chicago, Illinois, October 16, 1944, by Albert Miller Company of car PFE 98409, potatoes, now on the Wood Street Terminal, to Piowaty Bergart Company, Toledo, Ohio (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-16114; Filed, Oct. 19, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 590]

RECONSIGNMENT OF CARROTS AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, October 16, 1944, by L. Yukon & Sons, of car PFE 38671, carrots, now on the Union Pacific Railroad, to Southwest Brokerage Company, Dallas, Texas (Frisco).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-16115; Filed, Oct. 19, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 591]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, October 16, 1944, by Willens & Company of car FGE 33397, potatoes, now on the Wood Street Terminal to Gary Produce Company, Gary, Indiana (Wabash.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-16116; Filed, Oct. 19, 1944; 10: 59 a m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 500A-117]

COPYRIGHTS OF CERTAIN FOREIGN NATIONALS

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:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any

and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, 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 a special account 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. 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 said Executive order.

Executed at Washington, D. C., on September 26, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Fabrikation von absolutem alkahol, zwecks verwendung als zusatzmittel zu motor-treibstoffen, 1936.	Unknown	Wilhelm Knapp, Halle (Saale), Germany (nationality German).	Owner.
A for. 35887	Planeten-tafeln für jedermann zur berechnung der geozentrischen örter der grossen planeten (und des mondes) für den zeitraum von 3400 v. Chr. bis 2600 n. Chr. 1927.	Karl Schoch (nationality not established).	Linser-verlag, G. m. b. H. Berlin, Germany (nationality German).	Owner.

[F. R. Doc. 44–16063; Filed, Oct. 18, 1944; 10:43 a. m.]

[Vesting Order 500A–118]

COPYRIGHTS OF CERTAIN FOREIGN NATIONALS

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:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, 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 a special account 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. 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 said Executive order.

Executed at Washington, D. C. on September 26, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Justus Liebigs Annalen, 1924-1939	Unknown	Verlag. Chemie, Berlin, Germany (nationality German).	Owner.
Unknown	Zeitschrift für angewandte Mathematik und Mechanik. 1939-44, Vol. 19-24.	Unknown	V. D. I.—Verlag. Berlin, Germany (nationality German).	Owner.
Unknown	Allgemeines Lexicon der bildenden Künstler. 1912-41. Vols. 6-35.	Ulrich Thieme, ed. (nationality not established).	Seemann, Leipzig, Germany (nationality German).	Owner.
Unknown	Anglia. Zeitschrift für englische Philologie, and Beiblatt. 1939-44, 5 vols.	Unknown	Niemeyer Halle (Saale), Germany (nationality German).	Owner.
Unknown	Deutsche Vierteljahrsschrift für Literaturwissenschaft und Geistesgeschichte. 1939-44. Vol. 17-22.	Unknown	Niemeyer Halle (Saale), Germany (nationality German).	Owner.
A for. 23877	Deutsch englisches Fachwörterbuch der Metallurgie (Eisen- und Metall-hüttenkunde, vol. 1, 1933.	Henry Freeman (nationality not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown	Lexikon der anorganischen Verbindungen. 3 vols. 1910-1919.	Max Konrad Hoffmann (nationality not established).	Johann Ambrosius Barth, Leipzig, Germany (nationality German).	Owner.
A for. 3574	System der organischen Verbindungen; ein Leitfaden für die Benutzung von Beilsteins Handbuch der organischen Chemie, 1929.	Prager, Bernhard, and others (nationalities not established).	Julius Springer, Berlin, Germany (nationality German).	Owner.
Unknown	Toxikoligosche Mikroanalyse; qualitative Mikrochemie der Gifte und anderer gerichtlichchemisch wichtiger Stoffe. 1935.	Leopold Rosenthaler (nationality not established).	Georg Borntraeger, Berlin, Germany (nationality German).	Owner.
Unknown	Fortschritte der Photographie (Ergebnisse der angewandten physikalischen Chemie. Bd. 5, 6) 1938-40, 2 vols.	Erich Stenger, ed. (nationality not established).	Akademische Verlagsgesellschaft, Leipzig, Germany (nationality German).	Owner.

[F.R. Doc. 44-16064; Filed, Oct. 18, 1944; 10:43 a. m.]

[Vesting Order 500A-119]

COPYRIGHTS OF CERTAIN FOREIGN NATIONALS

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:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or revesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, 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 a special account 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. 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 said Executive order.

Executed at Washington, D. C., on September 26, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
E for. 27726.....	Die Dorfmusik. Walzerlied. Für gesang und klavier. 1933.	Teo Von Donop u. Peter Kirsten (words); Mart Fryberg, pseud. of Martin Friedeberg (music) (nationalities not established).	Musikverlag City Täubchenweg 20, Leipzig, Germany (nationality German).	Owner.
E for. 27727.....	Die Dorfmusik. Walzerlied. Für orchester mit piano direction, violine 1 direktion u. gesangsquartett partitur. 1933.	Teo v. Donop und Peter Kirsten (words); Mart Fryberg pseud. of Martin Friedeberg (music) (nationalities not established).	Musikverlag City Täubchenweg 20, Leipzig, Germany (nationality (German).	Owner.
E for. 28448.....	Die Dorfmusik. Walzerlied, für männerchor mit klavier (ad lib), 1933.	Teo v. Donop u. Peter Kirsten (words) Mart Fryberg, pseud. of Martin Friedberg (music); arr. by Franciscus Nagler (nationalities not established).	Musikverlag City Täubchenweg 20 Leipzig, Germany (nationality German).	Owner.
E for. 32407.....	Die Dorfmusik. Walzerlied. Für gemischten chor arr. 1933.	Teo v. Donop and Peter Kirsten (words); Mart Fryberg, pseud. of Martin Friedeberg (music); arr. by Franciscus Nagler (nationalities not established).	Musikverlag City Taubchenweg 20 Leipzig, Germany (nationality German).	Owner.

[F. R. Doc. 44-16065; Filed, Oct. 18, 1944; 10:43 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 357]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI, KANSAS, AND 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,[1] 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 October 23, 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 19th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Riss & Company, Inc., Kansas City, Mo.
Chief Freight Lines Co., Kansas City, Mo.
Leeway Motor Freight, Inc., Oklahoma City, Okla.
Benjamin Cain, Eva Cain, Richard A. Jacobson, Martin S. Jacobson, Ann Jacobson, A. B. Hardy, R. J. Reed and Lena Newman, doing business as Cain's Truck Lines, Oklahoma City, Okla.
John Scott, doing business as Ottawa Transfer & Storage Co., Ottawa, Kans.
E. F. Cowan, doing business as C & G Truck Line, Fort Scott, Kans.

[F. R. Doc. 44-16086; Filed, Oct. 18, 1944; 2:36 p. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 366]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI AND KANSAS

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,[1] 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 October 23, 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 19th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Boyd Truck Lines, Inc., Kansas City, Mo.
Park Hetzel, Jr., doing business as Lawrence Transfer and Storage Company, Lawrence, Kans.
The Topeka Transfer and Storage Company, a corporation, Topeka, Kans.

[F. R. Doc. 44-16087; Filed, Oct. 18, 1944; 2:36 p. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 367]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ATLANTA AND UNION POINT, 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,[1] 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 October 23, 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 19th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Atlanta-Union Point Trucking Co., Inc., Greensboro, Georgia.
Reliable Transfer Company, Inc., Augusta, Georgia.

[F. R. Doc. 44-16088; Filed, Oct. 18, 1944; 2:36 p. m.]

[Supp. Order ODT 6A-54]

COMMON CARRIERS

COORDINATED OPERATIONS IN SAN ANGELO, TEX.

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 6A (8 F.R. 8757, 14582, 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the 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 persons named in Appendix 1 hereof 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 schedules, or supplements to filed tariffs or schedules, 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 schedules, 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. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-54" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 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 19th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Sunset Motor Lines, San Angelo, Tex.
Merchants Fast Motor Lines, Inc., Fort Worth, Tex.

[F. R. Doc. 44-16089; Filed, Oct. 18, 1944; 2:35 p. m.]

[Supp. Order ODT 6A-56]

COMMON CARRIERS

COORDINATED OPERATIONS IN CHICAGO, ILL., AND SUBURBS THEREOF

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 6A (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the 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 persons named in Appendix 1 hereof 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

[1] Filed as part of the original document.

order, tariffs or schedules, or supplements to filed tariffs or schedules, 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 schedules, 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. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A–56" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 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 19th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Andrew Benson, Chicago, Ill.
Charles Boersema, Cicero, Ill.
Daniel H. Bulthuis, Cicero, Ill.
Walter Busk, Chicago, Ill.
J. C. Christensen, Chicago, Ill.
Frank W. Curtis, Chicago, Ill.
Nicholas Hendrikse, doing business as Aberdeen Ash Service, Chicago, Ill.
Alfred Decker, Chicago, Ill.
Albert Diepstra, Chicago, Ill.
Arthur H. Hess, Chicago, Ill.
Chris Howe, Chicago, Ill.
Alfred Jensen, Chicago, Ill.
Claus Jensen, Chicago, Ill.
J. M. Jensen, Chicago, Ill.
Marius Jensen, Chicago, Ill.
Niels Jensen, Chicago, Ill.
Fred Knudsen, Chicago, Ill.
Lars Larsen, Chicago, Ill.
Peter Sondergaard, Chicago, Ill.
Andrew Madsen, Chicago, Ill.
Henry Meyer, Chicago, Ill.
Jens Mikkelsen, Chicago, Ill.
Peter Molter, Chicago, Ill.
Andrew R. Nelson, Chicago, Ill.
Fred Nielsen, Chicago, Ill.
C. Nielsen, Chicago, Ill.
William Ostergard, Chicago, Ill.
Carl Overgaard, Chicago, Ill.
J. K. Pedersen, Chicago, Ill.
Oscar Nielsen, (Edith C. Nielsen, Executrix), Chicago, Ill.
Daniel Teune, Cicero, Ill.
Edward Teune, Cicero, Ill.
Sam Ter Maat, Cicero, Ill.
G. E. Thornquist, Chicago, Ill.
John Uedelhofen, Chicago, Ill.
Martin J. Wester, Chicago, Ill.
P. J. Wester, Chicago, Ill.
Charles Walsh, Berwyn, Ill.
Nicholas Zuidema, Cicero, Ill.
Carl Hansen, Chicago, Ill.
S. B. Anderson, doing business as Sanitary Disposal Company, Chicago, Ill.
Morris Andreasen, doing business as Southtown Private Scavenger, Chicago, Ill.
C. Blueberg, Jr., doing business as Park Manor Private Scavenger, Chicago, Ill.
A. L. Clesceri, doing business as Neils Boberg & Co., Chicago, Ill.
Albert Dahlsgaard, doing business as South Side Scavenger Company, Chicago, Ill.
Mads Ericksen, doing business as Mid City Disposal Company, Chicago, Ill.
Joseph H. Grayson, doing business as Woodlawn Teaming Company, Chicago, Ill.
Cornelius Groot, doing business as C. Groot Company, Chicago, Ill.
Jim Hansen, doing business as S. B. Anderson Trucking Company, Chicago, Ill.
Sam Huisenga, doing business as C. & S. Disposal Co., Cicero, Ill.
Bonne Iwema, doing business as Bonne Iwema & Son, Chicago, Ill.
B. N. Jensen, doing business as Englewood Scavenger Company, Chicago, Ill.
Howard W. Joransen, doing business as Beverly Private Scavenger, Chicago, Ill.
Carl Larsen, doing business as South Shore Private Scavenger Company, Chicago, Ill.
Fred L. Peterson, doing business as Auburn Private Scavenger Co., Chicago, Ill.
Robert W. Troch, doing business as H. J. Troch Company, Chicago, Ill.
Edward Van Der Molen, doing business as Van Der Molen Disposal Company, Chicago, Ill.
Mathias Jensen, Chicago, Ill.
Ben Workman, Chicago, Ill.
Rudolf Anderson and Chris Kortbek, copartners, Chicago, Ill.
August Criel and Theodore Criel, copartners, doing business as Frank Criel & Sons, Chicago, Ill.
Richard Evenhouse and Aldrich Evenhouse, copartners, doing business as Garden City Cinder Company, Chicago, Ill.
Peter Huiner, Bernard Huiner and Dodrick Huiner, copartners, doing business as Peter Huiner Company, Chicago, Ill.
Lawrence Iversen and James Beck, copartners, Chicago, Ill.
Philip Kiemel and John Van Kampen, copartners, doing business as Edw. Kiemel Company, Chicago, Ill.
Henry Peterson and Fred Peterson, copartners, Chicago, Ill.
Chicago Cinder Company, a corporation, Chicago, Ill.
Kenwood Private Scavenger, Chicago, Ill.
J. Madsen, Chicago, Ill.
Kiemel & Heemstra, copartners, Chicago, Ill.
Hyde Park Scavenger Co., Chicago, Ill.
Marius Balsen, Chicago, Ill.
Henry DeBoer, doing business as Apex Scavenger Service, Chicago, Ill.
George DeBaer, Chicago, Ill.
John J. Mahoney, doing business as Mahoney Trucking Co., Chicago, Ill.
A. W. Freeding, Chicago, Ill.
Nels Clausen Co., Chicago, Ill.
Clarence J. Veldman, Cicero, Ill.
James Bakker, Chicago, Ill.
John Geertsema, Chicago, Ill.
Neil Noorlag, Chicago, Ill.
Thomas Mulder, Chicago, Ill.
Henry Teune & Son, Chicago, Ill.
John Becker, Chicago, Ill.
Herman Teune, Chicago, Ill.
C. Nielsen, Chicago, Ill.
Scavenger Service Corp., Chicago, Ill.
J. R. Rusthoven, Chicago, Ill.

[F. R. Doc. 44–16090; Filed, Oct. 18, 1944; 2:35 p. m.]

[Supp. Order ODT 6A–57]

COMMON CARRIERS

COORDINATED OPERATIONS IN DETROIT AND MONROE, MICH.

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 6A (8 F.R. 8757, 14532; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the 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 persons named in Appendix 1 hereof 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 schedules, or supplements to filed tariffs or schedules, 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

[1] Filed as part of the original document.

permission for such tariffs or schedules, 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. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A–57" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 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 19th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Interstate Motor Freight System, (a corporation), Detroit, Mich.

H & G Cartage Company, (a corporation), Detroit, Mich.

[F. R. Doc. 44–16091; Filed, Oct. 18, 1944; 2:36 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1084]

CLARK & MCLAIN COAL CO.

ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MAXIMUM PRICES

For the reasons given in the opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

(a) The Red Oak Mine of the Clark & McLain Coal Company, located in Latimer County, Oklahoma, Production Group No. 7, District No. 15, and operating in the McAlester Seam, is hereby assigned Mine Index No. 2019.

(b) Coals produced at the Red Oak Mine, a strip mine, Mine Index No. 2019 of the Clark & McLain Coal Company, located in Latimer County, Oklahoma in Production Group No. 7, District No. 15 and operating in the McAlester Seam, for the uses indicated and by methods of transportation appearing herein may be sold and purchased at per net ton prices in cents not exceeding the following:

	Size groups						
	1, 2 and 3	4	6	8	9	10	14
Rail shipment	575	520	450	285	370	240	135
Truck shipment	560	510	460	285	370	240	215

Railroad Locomotive Fuel (any size) 270.

(c) The maximum prices established herein are f. o. b. the mine for truck shipment and f. o. b. the rail shipping point for rail shipment and for railroad locomotive fuel use.

(d) All prayers not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This order shall become effective October 19, 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 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–16106; Filed, Oct. 18, 1944; 4:28 p. m.]

[MPR 127, Order 36]

ALSON TEXTILE CO., ET AL.

APPROVAL OF MAXIMUM PRICES

Separate petitions listed in paragraph (f) of this Order No. 36 were filed pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Inasmuch as the petitions listed therein were filed pursuant to the same provision and request the same type of relief, the Price Administrator deems it appropriate to consolidate the said petitions for the purpose of their determination.

Consideration has been given to the petitions and an opinion in support of this Order No. 36 has been issued and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration; *It is hereby ordered:*

(a) Each of the Petitioners named in paragraph (f) below is granted an exception from the provisions of § 1400.02 (i) (2) (v) of Maximum Price Regulation No. 127 and may insofar as it purchases finished piece goods and acts as a jobber thereof, charge a markup of such jobbing sales not in excess of that provided for wholesalers and jobbers under § 1400.82 (i) (1) of the said regulation.

(b) The permission granted to the Petitioners is subject to the following conditions:

(1) During the periods between July 1, 1942 and December 31, 1944, and each calendar year thereafter, the proportion of goods sold at a markup above cost by each of such Petitioners as a jobber, to its total sales of finished piece goods subject to Maximum Price Regulation No. 127 shall not exceed the percentage directly opposite the name of the Petitioner as listed in paragraph (f) below: *Provided,* That if any Petitioner acts as a converter-jobber for less than any of the periods stated above, the proportion of such jobbing sales to its total sales of finished piece goods, from the beginning of any one period to the time when it ceases to act as a converter-jobber shall not exceed the applicable percentage appearing in paragraph (f).

(2) In the event that at the expiration of any period designated in subparagraph (1) a petitioner has exceeded the percentage of jobbing permitted in paragraph (f), the excess sales upon which a jobber's markup was charged by such petitioner shall be determined in the following manner: (i) Multiply the total dollar volume of sales of finished piece goods during the period by the percentage appearing opposite the petitioner's name in paragraph (f), (ii) Subtract the amount determined pursuant to (i) from the total dollar volume of finished piece goods sold by the petitioner as a jobber; (iii) Those sales of finished piece goods sold by the petitioner as a jobber or any portion of such sales which were last made during that period and which are equal to the difference obtained pursuant to (ii) shall be excess sales in violation of this Order No. 36.

(3) For the purpose of this Order No. 36, sales of jobbed goods by a petitioner at a price not in excess of the established maximum price which a converter of such goods is permitted to charge shall not be considered a sale by such petitioner as a jobber nor shall such sales be included in determining the volume of finished piece goods sold by a converter-jobber.

(4) The restrictions imposed by § 1400.82 (i) (2) (ii) and (i) (2) (iv) of

Maximum Price Regulation No. 127 are specifically made applicable to the jobbing sales made by each Petitioner under the permission granted by this Order No. 36.

(5) Said Petitioners may not charge such jobber's markup with respect to finished piece goods purchased from a person controlling, controlled by, or under common control with such Petitioner.

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

(d) This Order No. 36 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(f) The following Petitioners are granted an exception from § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 subject to the provisions contained herein:

Docket No., Name of Petitioner, Address and Percentage of Jobbing Business Permitted in Relation to Total Sales of Finished Piece Goods	(*Percent*)
3127–727, Alson Textile Co., 469 7th Ave., New York, N. Y.	2
3127–731, J. P. Friedman, 151 West 40th St., New York, N. Y.	10
3127–690, Hille & Torres, 377 Broadway, New York, N. Y.	51
3127–202, Mellus Bros. & Co., Inc., 305 E. 4th St., Los Angeles, Calif.	2
3127–738, Logantex, Inc., 40 Worth St., New York, N. Y.	11
3127–697, Kass-Kay Co., 105 West 40th St., New York, N. Y.	40
3127–729, Schlanger Silk Co., 1441 Broadway, New York, N. Y.	15
3127–736, Siroty Silk Mills, 469 Seventh Ave., New York, N. Y.	36
3127–728, Tilton Textile Corp., 1450 Broadway, New York, N. Y.	63
3127–739, Topping Goodman Co., 320 Broadway, New York, N. Y.	40
3127–741, York Street Flax Spinning Co., 107 Franklin St., New York, N. Y.	12

This Order No. 36 shall become effective October 19, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–16100; Filed, Oct. 18, 1944; 4:29 p. m.]

[MPR 127, Amdt. 1 to Order 9]

CORONADA FABRICS, INC., ET AL.

APPROVAL OF MAXIMUM PRICES

Since the issuance of Order No. 9 several petitioners listed in this amendment filed petitions pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Due consideration has been given to the petitions and an opinion in support of this Amendment No. 1 to Order No. 9 has been filed with the Division of the Federal Register. Accordingly, *It is hereby ordered:*

That Order No. 9 be amended by adding the following petitions to the list appearing in paragraph (b):

Docket Number, Petitioner and Address
3127–734, Coronada Fabrics, Inc., 819 Santee St., Los Angeles, Calif.
3127–737, Herman Schlobohm Co., 819 Santee St., Los Angeles, Calif.
3127–89, J. Shevell & Sons, 233 West 99th St., New York, N. Y.
3127–718, Textron, Inc., 350 Fifth Ave., New York, N. Y.
3127–682, Wilkins Sakin Co., 1412 Broadway, New York, N. Y.
3127–87, L. & A. Wishbow, 134 West 37th St., New York, N. Y.

This Amendment No. 1 to Order No. 9 shall become effective October 19, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–16099; Filed, Oct. 18, 1944; 4:29 p. m.]

[MPR 136, Order 339]

DIVCO CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 339 under Maximum Price Regulation No. 136, as amended. Machines and parts, and machinery services. Divco Corporation; Docket No. 3136–455.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Orders 9250 and 9328, and § 1390.25a of Maximum Price Regulation 136, as amended, *It is ordered:*

(a) Divco Corporation (hereinafter known as "seller") 22000 Hoover Road, Detroit, Michigan, is authorized to sell each of its Model "UM" Divco trucks to fleet accounts, resellers and purchasers at retail, at a price not to exceed the sum of a list price f. o. b. factory, of $1510.00 (subject to the discounts in effect on March 31, 1942), and the following applicable charges:

(1) *Charges.* (i) A charge for extra, special or optional equipment which shall not exceed its list or established price in effect on March 31, 1942 (subject to the discounts in effect on March 31, 1942), when sold as original equipment.

(ii) A handling charge of $7.50 for the truck when shipped as one of two trucks blocked and strapped in a 40'6" rail car; or a handling charge of $7.00 for the truck when shipped as one of three trucks blocked and strapped in a 50'6" rail car; or a handling charge of $16.67 for the truck when shipped as one of three trucks in a 40'6" rail car.

(iii) A charge of $5.00 when the truck is prepared by the seller for driveaway from the factory or the Detroit river boat wharf.

(iv) A charge to cover freight expense, if any, based on current freight rates, computed in accordance with the seller's method in effect on March 31, 1942.

(v) A charge to cover Federal excise and tires-weight taxes, and state or local taxes on the sale or delivery of the truck.

(b) The Divco Corporation is authorized to sell to the United States Navy, each of its Model "UM" Divco trucks when equipped with F 4 162 engine, 6.6 to 1 axle, governor, safety glass, No. 4 narrow rear door, installed oil filter, spare wheel assembly carrier and two coats of finish paint to United States Navy Specifications, at a price not to exceed the sum of $1,435.00, f. o. b. factory and the applicable charges set forth in subparagraph (1) of paragraph (a).

(c) A reseller is authorized to sell each of the Model "UM" Divco trucks delivered at its place of business, at a price not to exceed the sum of the list price of $1,510.00 and the following applicable charges (subject to the discounts in effect on March 31, 1942):

(1) *Charges.* (i) A charge for extra, special or optional equipment which shall not exceed the charge the reseller had in effect on March 31, 1942 (subject to the discounts in effect on March 31, 1942) for such equipment when sold as original equipment.

(ii) A charge for actual expense of freight-in.

(iii) A charge for Federal excise and tires-weight taxes, and state or local taxes on the purchase, sale or delivery of the truck, computed in accordance with the reseller's method in effect on March 31, 1942.

(iv) A charge to cover reseller's handling and delivery expense.

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942.

(d) A reseller that cannot establish a price under paragraph (c) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the list price of $1,510.00 the following applicable charges:

(1) *Charges.* (i) The original equipment retail charge that Divco Corporation suggested on March 31, 1942, be made by resellers for extra, special or optional equipment attached to the truck as original equipment.

(ii) A charge to cover actual freight-in expense.

(iii) A charge equal to the charge made to the reseller by the Divco Corporation, in accordance with its March 31, 1942 method, to cover Federal excise and tires-weight taxes.

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck.

(v) A charge equal to reseller's actual expense for handling and delivery.

(e) Within 10 months after the date of the issuance of this order the Divco Corporation shall file with the Office of Price Administration, Washington, D. C., a detailed profit-and-loss statement for the calendar year 1944, and for the first 6 months of the calendar year 1945; and a detailed statement of manufacturing costs as of June 31, 1945 for the Model "UM" Divco truck.

(f) All requests not granted herein are denied.

(g) This order may be amended or revoked by the Administrator at any time.

NOTE: The manufacturer's prices under paragraphs (a) and (b) are for a truck equipped with natural rubber tires, or syn-

thetic rubber tires delivered to the manufacturer prior to April 18, 1944. Where the manufacturer has an established price in accordance with § 1390.6 of Maximum Price Regulation 136, as amended, which is higher than a price permitted under paragraph (a) because the truck is equipped with synthetic tires purchased by the manufacturer on and after April 18, 1944, or because of any other substantial specification change or material substitution in the truck, the reseller may add to his price under paragraphs (c) or (d) the increase in cost to him over the price he would otherwise pay under paragraph (a) plus his customary markup on such cost.

This order shall become effective October 19, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16104; Filed, Oct. 18, 1944; 4:27 p. m.]

[Rev. SR 14 to GMPR, Order 6]

SCOTTEN, DILLON CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 6.56 (a) (2) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered*, That:

(a) Scotten, Dillon Company, 4085 Fort Street, West, Detroit 9, Michigan, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
		Ounce		*Cents*
S-D Company Cigar Clippings	Plain	8	$4.61	48
S-D Company Cigar Clippings	Plain	16	9.22	96

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such item to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each item of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such item.

(d) The manufacturer and every other seller (except a retailer) of an item of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 6.56 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16102; Filed, Oct. 18, 1944; 4:30 p. m.]

[Rev. SR 14 to GMPR, Order 7]

R. J. REYNOLDS TOBACCO CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 6.56 (a) (1) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered*, That

(a) R. J. Reynolds Tobacco Company, Winston-Salem, North Carolina, (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive sweetened Torch-Light scrap chewing tobacco in 2-ounce packages at the appropriate maximum list price and maximum retail price set forth below:

Maximum list price per dozen packages (cents)	*Maximum retail price per package (cents)*
96	10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of the item of sweetened Torch-Light scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such brand and variety of scrap chewing tobacco in 2¼-ounce packages to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of the item of sweetened Torch-Light scrap chewing tobacco for which maximum prices are established by this order, the customary price differential below the manufacturer's stated retail price allowed by him during March 1942 with respect to such brand and variety of scrap chewing tobacco in 2¼-ounce packages.

(d) The manufacturer and every other seller (except a retailer) of the item of sweetened Torch-Light scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by section 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of section 6.56 (except paragraph (a) (2), of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16103; Filed, Oct. 18, 1944; 4:30 p. m.]

[Max. Import Price Reg., Amdt. 1 to Rev. Order 1]

WATCHES CONTAINING IMPORTED MOVEMENTS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered*, That Revised Order No. 1 under section 21 of the Maximum Import Price Regulation be amended in the following respects:

1. Paragraph (b) is amended to read as follows:

(b) *Definition of "cost".* Wherever the term "cost" is used in this order it has the following meanings:

(1) With reference to imported movements, "cost" means current "total landed costs" as defined and limited in sections 8 and 9 of the Maximum Import Price Regulation; *Provided*, That the importer may not include as a part of such cost, any amount by which the foreign invoice price has increased after April 30, 1943.

(2) With reference to those parts of an assembled watch which were produced in the United States, "cost" means net cost not in excess of the supplier's maximum price for sales to the assembler.

(3) With respect to the labor cost of assembling, "cost" means the March 1942 per unit cost of timing and assembling similar watches.

(4) With respect to the completely assembled watch, "cost" means the sum of the costs defined in (1), (2), and (3) of this paragraph (b).

2. Paragraph (e) is amended to read as follows:

(e) *Maximum prices for new watches.* (1) The assembler of a watch which dif-

fers from all of the watches which he assembled and sold prior to August 23, 1943, shall compute his maximum price for the new watch as follows:

(i) Compute the costs of the new watch by adding the cost of the movement, the cost of the other component parts, and the labor cost of assembling.

(ii) Compute the percentage markup over the cost of that assembled watch currently being offered for sale which has a cost nearest to that of the new watch. The selling price used in this computation must not exceed the maximum price established by this order.

(iii) Apply the percentage markup so computed to the cost of the new watch as computed above. The resulting figure is the maximum price.

(iv) The assembler of the new watch must report his maximum price therefor to the Durable Goods Price Branch, Office of Price Administration, Washington, D. C. The report must set forth in detail the descriptions and costs of the new watch and of the comparable watch, the maximum price of the comparable watch and how it was determined and the method by which the maximum price of the new watch was determined. He must also include a certification to the effect that the watch being priced is different from any watch which the assembler sold during the period March 1, 1942, to August 23, 1943. The assembler may not offer the watch for sale until his maximum price therefor has been approved, but the reported maximum price shall be deemed to be approved unless, within 20 days after the report is mailed, the Office of Price Administration notifies the assembler that his reported price has been disapproved or that action thereon has been deferred pending receipt of further information. Any maximum price established hereunder shall be subject to adjustment (not retroactively) at any time by the Office of Price Administration to a price in line with the level of maximum prices established by this order.

(2) The maximum price for any new watch which cannot be priced in the above manner shall be a price in line with the level of the maximum prices established by this order authorized by the Office of Price Administration upon application by the assembler. Watches for which maximum prices must be established under this subparagraph (2) may not be sold or delivered until a maximum price has been established.

(3) This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective October 19, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16105; Filed, Oct. 18, 1944; 4:28 p. m.]

[FPR 1, Order 1 Under Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 14 (i) of Supplement 7 to Food Products Regulation No. 1, *It is ordered:*

(a) That sales and deliveries of the products covered by Supplement 7 to Food Products Regulation No. 1 may be made by processors to government procurement agencies in cases where the goods are processed in factories located in California, Oregon and Washington, subject to an agreement between the buyer and seller, in each case, that the price shall be adjusted to conform to any new maximum price, based on wage rate increases approved by the National War Labor Board, which may be established by the Office of Price Administration after delivery.

In any such sale the processor shall not invoice the goods at a price higher than the maximum price in effect at the time of delivery nor shall he receive payment of more than that price until permitted by action taken by the Office of Price Administration.

(b) This order shall apply to sales and deliveries made on or after September 11, 1944, under adjustable pricing contracts.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective as of 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 18th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-16097; Filed, Oct. 18, 1944; 4:29 p. m.]

Regional and District Office Orders.

[Montgomery Order G-3 Under MPR 426, Amdt. 1]

FRESH FRUITS AND VEGETABLES IN MONTGOMERY, ALA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Montgomery District Office, Region IV, of the Office of Price Administration by Paragraph (f) (1), Appendix H, Paragraph (g) (1) of Appendix 1 and the ultimate paragraph of Section 2 (b) of Maximum Price Regulation No. 426, as Amended, and Regional Delegation Orders Nos. 33 and 35; *It is hereby ordered,* That Order G-1 under Maximum Price Regulation No. 426, as amended, be, and the same is hereby amended as follows:

1. Section 1 is amended to read as follows:

SECTION 1. *Maximum charges for delivery by service wholesalers and secondary jobbers beyond the free delivery zone.* Any service wholesaler or secondary jobber, whose place of business is located within the Montgomery District, may add to his maximum prices for snap beans, sweet peppers, eggplant, cucumbers, spinach, carrots, green peas, oranges, grapefruit, lemons, tangerines, lettuce, cabbage and table grapes, as determined under the applicable tables of the appropriate appendices to Maximum Price Regulation No. 426, as Amended, a maximum charge for the delivery of such items to the premises of the purchaser located outside of the free delivery zone of the service wholesaler or secondary jobber, as defined in section 2 of this order. The entire maximum delivery charge thus added shall in no event exceed the following:

For containers of less than 40 pounds gross weight—10 cents per container.
For containers of 40 pounds to 60 pounds gross weight—20 cents per container.
For containers of more than 60 pounds gross weight—25 cents per container.

All other provisions of Order G-3 under Maximum Price Regulation No. 426, as amended, remain in full force and effect except as such order is expressly modified by this amendment.

This amendment shall become effective at 12:01 a. m. on September 14, 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; R.G.O. 51, 9 F.R. 408)

Issued this 9th day of September 1944.

A. H. COLLINS,
District Director.

Approved:

JAMES H. PALMER,
Regional Director,
Office of Distribution,
War Food Administration.

[F. R. Doc. 44-16051; Filed, Oct. 17, 1944; 12:13 p. m.]

[Region V Order G-6 Under MPR 336 and MPR 355]

FABRICATED MEAT CUTS IN MARBLE FALLS, TEX.

Pursuant to section 5 (c) of Maximum Price Regulation No. 336, and Maximum Price Regulation No. 355, as incorporated by Amendment 15 to Maximum Price Regulation No. 336, and Amendment 17 to Maximum Price Regulation No. 355, application has been filed with the Regional Administrator, Region V, to declare the city of Marble Falls, Texas, an area deficient in the supplies of fabricated meat cuts. After due consideration of said application, and pursuant to said authority, the Regional Administrator, Region V, finds that the area contained within the corporate limits of the

city of Marble Falls, Texas, is an area deficient in the supplies of fabricated meat cuts for purveyors of meals, because the following conditions exist:

(1) Purveyors of meals within said area were 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 Marble Falls, Texas, 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 October 6, 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 at Dallas, Texas, this the 6th day of October 1944.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 44-16049; Filed, Oct. 17, 1944; 12:11 p. m.]

[Region VIII Order G-5 Under 3 (e), Amdt. 1]

MEXICAN MALT BEVERAGES IN SAN FRANCISCO REGION

For the reasons set forth in the accompanying opinion, Order Number G-5 under § 1499.3 (e), as amended, of the General Maximum Price Regulation is amended as follows:

Paragraph (d) shall read as follows:

(d) This order shall become effective November 1, 1944.

This Amendment Number 1 shall become effective immediately.

Issued this 6th day of October 1944.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 44-16046; Filed, Oct. 17, 1944; 12:10 p. m.]

[Seattle Order G-13 Under 18 (c)]

FIREWOOD IN KITTITAS COUNTY, WASH.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director of the Seattle District Office of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32; *It is hereby ordered:*

(a) The maximum prices for sales and deliveries of specified kinds of firewood in Kittitas County, Washington, by any dealer whose business is located in Kittitas County, Washington, as established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or any supplementary regulation issued thereto are hereby adjusted so that the maximum prices therefore shall be the prices set forth in paragraph (b) of this order.

(b) The maximum prices for sales of green and/or dry mill wood, mill run, mill slab including tie mill slab, and/or mixed mill run, and/or mixed mill wood or mixed slab, fir, pine, or hemlock, in lengths and types of sale specified below by any dealer whose place of business is located within the County of Kittitas, Washington, shall be:

Source of supply	Delivery conditions	Length of wood	Maximum price per cord
(i) For the kinds of wood specified above produced in the areas outside Kittitas County.	Delivered to the premises of the consumer.	16" or less	$12.25
(ii) For the kinds of wood specified above produced in the areas outside Kittitas County.	F. o. b. dealer's yard	16" or less	10.25

(c) No seller shall evade any of the provisions of this Revised Order No. G-13 by changing his customary allowances, discounts, or other price differentials, unless the change results in a lower price.

(d) As used herein, the term "cord" shall mean 128 cubic feet of stacked wood or 192 cubic feet of loose wood.

(e) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale which shall show:

(1) The date of sale.

(2) The name and address of the buyer and seller.

(3) The quantity of firewood sold.

(4) Description of firewood sold in the same manner as it is described in this order.

(5) Place of sale.

(6) The total price of the wood.

The seller shall keep an exact copy of such invoice or memorandum of sale for a period of two years following the sale. Such copy shall be made available for inspection by the Office of Price Administration.

(f) This order may be revoked, amended, or corrected at any time. The record-keeping provision of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. This order shall become effective October 6, 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 6th day of October 1944.

ARTHUR J. KRAUSS,
District Director.

[F. R. Doc. 44-16045; Filed, Oct. 17, 1944; 12:10 p. m.]

WAR FOOD ADMINISTRATION.

BREWTON LIVESTOCK COMMISSION CO., BREWTON, ALA.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Farmers Community Sale, Brewton, Alabama, posted on April 30, 1941, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by James T. Sheppard, doing business as Brewton Livestock Commission Company, and that the name of the yard is now the Brewton Livestock Commission Company stockyards. Therefore, the posted name of the stockyard is changed to Brewton Livestock Commission Company and notice of such fact is given to the owner of the stockyard and to the public by posting copies of this notice in the stockyard and by filing notice with the Division of the Federal Register.

(7 U.S.C. 181 et seq.; E.O. 9280; 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 FR. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 18th day of October 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44-16117; Filed, Oct. 19, 1944; 11:09 a. m.]

RAGSDALE-LAWHON-WEILL CO., ATLANTA, GA.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Ragsdale-Lawhon-Weill Stockyards, Atlanta, Georgia, posted on February 4, 1931, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given

to the owner of the stockyard and to the public by posting copies of this notice in the stockyard and by filing notice with the Division of the Federal Register.

(7 U.S.C. 181 et seq.; 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)

Done at Washington, D. C., this 18th day of October 1944.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 44-16118; Filed, Oct. 19, 1944; 11:09 a. m.]

WAR MANPOWER COMMISSION.

DELAWARE AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Delaware 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).

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for Area I, which comprises the entire State of Delaware, with the concurrence of the Area War Manpower Committee, pursuant to the authority granted by WMC Regulation 7 hereby establishes the following plan for the Area with respect to the stabilization of employment throughout the Area:

Sec.
1. Control of hiring and solicitation of workers.
2. Establishment, approval, and adaptation of area plans.
3. Minimum standards.
4. Existing contracts.
5. Advertising.
6. Advance notice of lay-offs.
7. Limited statements of availability.
8. Request to remain on or return to a job.
9. Employment ceiling and/or allowance control.
10. Definitions.

SECTION 1. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, Area I shall be conducted in accordance with the provisions of this Employment Stabilization Plan.

SEC. 2. *Establishment, approval, and adaptation of area plans*—(a) *General.* This area employment stabilization plan shall, after consultation with the Area Management-Labor Manpower Committee, and approval by the Regional Director of the War Manpower Commission for Region III, be effective in Delaware Area I on and after September 20, 1943.

(b) *Adaptation to meet regional or local conditions.* This Plan may be adapted as the need arises to meet changing area conditions by the Area Manpower Director after consultation with the Area Management Labor Manpower Committee: *Provided,* That such adaptations are not in conflict with minimum national standards as set forth in Regulation 7 and with Area standards set forth in this Plan: *And provided further,* That such adaptations are approved by the Regional Director.

(c) *Management-Labor Manpower Committee.* The Area Management-Labor Manpower Committee is hereby authorized to consider questions of policy standards and safeguards in connection with the establishment and administration of this Plan, and to make recommendations on these subjects to the Area Director.

SEC. 3. *Minimum standards*—(a) *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:

(1) 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

(2) 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.

(b) *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:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) 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

(5) 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.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service or the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) 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 Plan, regulations or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *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.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) 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.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) 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,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(4) The new employee is a male worker.

(f) *Exclusions.* No provision of the Employment Stabilization Plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) 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 the program unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) 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 Con-

stitution and laws applicable to it, with the program;

(5) 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;

(6) 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.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this Employment Stabilization Plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this Plan 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, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *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 Plan, except in a manner consistent with such restrictions.

(j) *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.

(k) *Representation.* Nothing contained in this Plan 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 this Plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 5. *Advertising.* Advertising for employees:

(a) Shall not be of a nature which will have a disruptive effect upon the labor market in a particular area, including either the publication of wage rates which induce turnover and piracy or the solicitation of workers by employers outside an area, except through arrangements with the United States Employment Service of the War Manpower Commission.

(b) Should state clearly that employees now employed in essential activity cannot be considered without a statement of availability.

SEC. 6. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupations.

SEC. 7. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action: *Provided,* That such action is agreeable to both the employer and employees involved: *And provided further,* That such limited statements of availability shall not be issued for a period longer than 3 months.

SEC. 8. *Request to remain on or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination of the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

SEC. 9. *Employment ceiling and/or allowance control.* The Area Manpower Director may fix for all or any establishments in the Delaware Area, fair and reasonable employment ceilings and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor suply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

SEC. 10. *Definitions.* As used in this Plan:

(a) "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.

(b) "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.

(c) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments means his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of worker, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

Dated: October 10, 1944.

E. H. SMITH,
Area Director.

Approved: October 13, 1944.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44-16085; Filed, Oct. 18, 1944; 2:04 p. m.]